The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. YARMUTH).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, September 28, 2010.

I hereby appoint the Honorable John A. YARMUTH to act as Speaker pro tempore on this day.

NANCY PELOSI, Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, September 28, 2010.

I hereby appoint the Honorable John A. YARMUTH to act as Speaker pro tempore on this day.

NANCY PELOSI, Speaker of the House of Representatives.

MANY CHALLENGES FACING EL SALVADOR: PRESIDENT FUNES DESERVES U.S. SUPPORT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, in 1992, when the historic Peace Accords were signed ending El Salvador’s 12 years of civil war, many of us anticipated a new and prosperous era for that country. In the following years, political competition flourished and electoral processes matured. The ruling ARENA party maintained its power, base, and organization, winning consecutive elections for the next 17 years. But in 2009, the FMLN opposition party won the presidency. It was a watershed moment for El Salvador.

Sadly, many things did not change over these years. The inability of the courts and justice system to hold elites, government officials, and members of the security forces accountable for crimes, including human rights crimes, continued to fail, reinforcing a new and potentially disastrous cycle of impunity. The newly created police, although light years ahead of the old security forces, was infiltrated by criminal elements and human rights abusers who blocked investigations and collaborated with criminal groups. The poor did not benefit from trade and investment, and international aid diminished, including U.S. aid. And the migration of Salvadorans to the U.S. is as great or greater as it was during the civil war. And some things got worse. Little could I have imagined the violence in El Salvador becoming worse after the war, but it has. Criminal networks invaded the country and used it to traffic drugs, guns, human beings, and other contraband throughout the hemisphere. Youth gangs are exploited; poor neighborhoods are terrorized; security and judicial authorities are corrupted; and crime, violence, and murder have exploded.

This is the reality inherited by Mauricio Funes when he became president 18 months ago. I have had the privilege of meeting President Funes. I find his administration to be pragmatic, committed to improving the lives of the majority poor, and addressing the crime and corruption that are robbing the country of its much-longed-for peace. However, there are longstanding institutional problems that remain obstacles to reform, the pursuit of justice, and even the consolidation of democracy. Among them, in my opinion, is the Attorney General’s Office—the Fiscalía—where countless cases of murder, corruption, drug trafficking, money laundering, and other crimes are stymied. But the Funes administration is taking courageous and positive steps to confront these challenges. These include naming an Inspector General for the National Civilian Police, Zaira Navas, who is serious about ensuring that an honest, hard-working police force is not sullied by corrupt cops.

This month, Inspector General Navas suspended from duty over 150 police officers. These “bad apples” are under investigation for corruption and links to criminal and drug organizations. Rather than embracing this effort to clean up the police, intransigent forces chose instead to create a new commission inside the National Assembly to investigate the Inspector General. This action has been accompanied by renewed death threats against her life.

Last December, Senator LEAHY praised the hard work of PCN Inspector General Navas and the importance of strengthening the rule of law in El Salvador. I agree. I believe Inspector General Navas is taking courageous action, and I encourage the State Department and the U.S. Embassy to support her in these efforts. President Funes is exploring the possibility of establishing an independent commission, similar to the one created in Guatemala, under the auspices of the United Nations, to investigate drug and criminal networks and key human rights crimes. This would ensure an independent investigation into many of the criminal cases and charges of official corruption that have languished in the Fiscalía for years. It could open new paths to ending impunity.

President Funes is also working with Mexican President Calderon, the Obama administration, and his Central American neighbors to confront the escalating penetration of the region by...
major drug cartels and criminal networks. He is seeking coordinated strategies and action, increased aid and assistance, stronger laws and policies, and more effective social investment.

El Salvador has experienced several tragic episodes of violence carried out by drug cartels and public revulsion at gang crimes is at all-time high. President Funes is seeking to respond decisively to this situation, while not repeating the mistaken policies that sounded tough but failed to reduce crime or keep young people out of gangs. He has also established an advisory commission on gangs and gang-related violence. One program that might be a model is the Center for Formación and Orientation at St. Francis of Assisi Parish in Mejicano. It has had success working with young people on rejecting gang life and providing those who want to leave the gangs with legal, education, and training. Its pastor, Father Antonio Rodriguez, has made important contributions to the discussions about how to address the youth violence.

Mr. Speaker, it is in the best interest of the U.S. to support the Funes administration as it seeks to strengthen the rule of law, clean up institutional corruption and crime, and help lead the region in breaking impunity and confronting criminal threats.

[From the Los Angeles Times, Sept. 11, 2010]

**Salvadoran Leader Speaks of Criminal Gangs' Links to Drug Cartels**

El Salvador’s president, Mauricio Funes, the country’s leftist leader since the end of its civil war in 1992, finds himself preoccupied with a deepening struggle against criminal gangs and international drug cartels.

Since winning office in 2009, Funes has deployed the army to back up police, who are trying to curb a drug-fueled homicide rate that now is approaching 7,000 a year. The United States is concerned about El Salvador in Guatemala or Mexico.

The 1992 peace accords, which ended the civil war, allowed for a sort of re-establishment of the Salvadoran state. Through that process, it was possible to establish the army and security forces that were linked to gross violations of human rights. And now we have a professional armed force. If that cleansing of the armed forces had not taken place, we would probably be in the same situation as Guatemala.

Are current U.S. policies on drugs and immigration the right track?

There will be cartels as long as there are consumers of drugs.

Furthermore, the only way we can prevent more migrants from coming to the United States is by providing jobs, opportunities and development. The same thing applies to narcotics. If the United States is concerned about illegal immigration and drug traffic, the best solution is a strategic alliance that together brings forth development and job opportunities and social benefits to El Salvador.

**Afganistan-Pakistan Study Group**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. Wolf) for 5 minutes.

Mr. WOLF. Mr. Speaker, I rise today to share with my colleagues the text of a letter I sent today to President Obama, Secretary Gates, Admiral Mullen, and all other parties in the administration charged with executing the war effort. I will enclose in my correspondence a copy of a letter from a constituent who is a mother of six children, all of whom are currently serving or have served in the U.S. military.

I submit for the RECORD a copy of my original letter to the President as well as a copy of the letter from my constituent.

My letter today to the administration will read, in part, “I implore you to consider my constituent’s views—views of an American mother with children who are serving in the country—and to move swiftly to establish an Afghanistan-Pakistan Study Group, modeled after the Iraq Study Group, to bring ‘fresh eyes’ to the war effort in Afghanistan.

“The group would be comprised of nationally known and respected individuals who love their country more than their political party and would serve to provide much-needed clarity to a policy that increasingly appears adrift.

“Candidly, after reading yesterday’s Washington Post piece adapted from Bob Woodward’s Obama’s Wars, I have serious concerns that the needed clarity for our allies in Afghanistan will not exist within the administration. Woodward writes, ‘Even at the end of the process, the President’s team wrestled with the most basic questions about the war, then entering its ninth year: What is the mission? What are we trying to do? What will work?’

“These are sobering questions—but they are questions that must be answered, and the Afghanistan-Pakistan Study Group is just the means to arrive at these answers in a way that has made our men and women in uniform.

“In the halls of Congress or the White House, at Foggy Bottom or the Pentagon, public discussions can at times be detached from the actual lives that are most directly impacted by the decisions being made. This couldn’t be further from the case for this mother. She doesn’t have that luxury when it comes to the war in Afghanistan. And we mustn’t either.

“This is not a matter of politics—or at least it ought not be—for it is always in our national interest to openly assess the challenges before us and to chart a clear course to victory. Frankly, I’ve been deeply troubled by Woodward’s reporting which indicates that discussions of the war strategy were infused with political calculations. An Afghanistan-Pakistan Study Group could help redeem what was clearly a deeply flawed process.”
that decision and have the utmost confidence in General Petraeus’s proven leadership, I also remain unequivocally committed to the success of our mission there and to the future of American troops in Afghanistan. As such, I will use every available tool to give our service members an executive order and the power of the bully pulpit to convey this group in short order, and explain to the American people why it is in the national interest that we continue to stay the course. Should you choose not to take this path, respectfully, I intend to offer an amendment by whatever vehicle necessary to mandate the group’s creation at the earliest possible opportunity. The ISG’s report opened with a letter from the co-chairs that read, “There is no magic formula to solve the problems of Iraq. However, we believe that steps are needed to improve the situation and protect American interests.” The same can be said of Afghanistan.

I understand that you are a great admirer of Abraham Lincoln. He, too, governed during a time of war, albeit a war that pitted brother against brother, and father against son. In the midst of that epic struggle, he relied on a cabinet with strong, often opposing viewpoints. Viewpoints assert this sense of equipoise and deliberation in complex matters. Similarly, while total agreement may not emerge from a study group for Afghanistan and Pakistan, I believe that vigorous and thoughtful debate and discussion among some of our nation’s greatest minds on these matters will only serve the national interest. The biblical admonition that iron sharpens iron rings true. Best wishes.

P.S. We as a nation must be successful in Afghanistan. We owe this to our men and women in the military serving in harm’s way and to the American people.

DEAR CONGRESSMAN WOLF: I have read your proposal for the formation of an Afghanistan-Pakistan Study Group with deep personal interest and approbation. I applaud its respectful, well-reasoned, bipartisan approach to rethinking the war in Afghanistan. The following are my personal thoughts regarding this war. Please accept them as the insights of an average American mother.

It has been troubling to me how distant this war is for so many Americans. Many are only vaguely aware of the events taking place. Those of us who have not increased in the number of casualties. Even gathering information of what is daily happening in Afghanistan hasn’t been easy. I comb the Internet for useful and accurate news sources in an attempt to be informed. Our country is at war and yet so often the top news items contain nothing regarding it. I often say that it is not the military, soldiers, sailors and marines serving in Afghanistan that contain the most news. Other times it is the news stations with an embedded reporter who will write articles while the reporter is there but then nothing once they return.

Our country is at war and yet so often the top news items contain nothing regarding it. I often say that it is not the military, soldiers, sailors and marines serving in Afghanistan that contain the most news. Other times it is the news stations with an embedded reporter who will write articles while the reporter is there but then nothing once they return.

I firmly believe that an Afghanistan-Pakistan Study Group could reinvigorate national confidence in how America can be successful and move toward a shared mission in Afghanistan. This is a crucial task. On the Sunday morning news shows this past weekend, it was unsettling to hear conflicting statements from within the leadership of the administration that revealed a lack of clarity about the end game in Afghanistan. How much more so is this true for the rest of the country? An APSG is necessary for precisely that reason. We are nine years into our nation’s longest military conflict and the people and their elected representatives do not have a clear sense of what we are aiming to achieve, why it is necessary and how far we are from victory. Another, an APSG could strengthen many of our NATO allies in Afghanistan who are also facing dwindling public support, as evidenced by the recent Dutch troop withdrawal, and would give them a tangible vision to which to commit. Just as was true at the time of the Iraq Study Group, I believe that Americans of all political viewpoints, liberals and conservatives alike, and varied opinions on the war have “enough” regarding the war, that this approach may be the right one. Like the previous administration’s support of the Iraq Study Group, which involved taking the group’s members to Iraq and providing high-level access to policy and decision makers, I urge you to embrace an Afghanistan-Pakistan Study Group. It is always in our national interest to openly assess the challenges before us and to chart a clear course to success.

As you know, the full Congress comes back in session in mid-September—days after the peak month of the summer—when we will once again pause and remember that horrific morning nine years ago when passenger airplanes became weapons, when the skyline of our great city was forever changed, when a symbol of America’s military might was left with a gaping hole. The experts with whom I have spoken in recent days believe that time is of the essence in moving forward with a study panel, and waiting for Congress to reconvene is too long a wait. I strongly urge you to con-
It has sometimes appeared that the efforts in Afghanistan have trudged along, with success measured in part by the areas in which we have gained some measure of control versus the price paid in human lives both civilian and military. The casualties suffered are not just numbers to me; each name, each face, represents a family who is paying the ultimate price of a son or daughter, brother or sister, father or mother; a family that will never be the same. Therefore, I wholeheartedly support the formation of an Afghanistan-Pakistan Study Group in the hope that it will help to turn the tide of this war and lessen the number of casualties as well.

I, too, have a deep respect and confidence in Gen. Petraeus and would not want my comments to be construed as being critical of the leadership of our military. I have no formal training in political science or history so please accept these comments as simply the perspective of an American mother with children glad to serve our country.

God bless you and give you wisdom as you serve in the leadership of our country.

Sincerely,

P.S. It meant so much to see my sons receive a standing ovation when introduced during last week’s luncheon. It is these very Lance Corporals, Corporals and Sergeants who are almost daily listed among the casualties. My son, ——— remarked that listening to your speech “restored his faith in the republic.” Thank you again for recognizing their service.

1040

FISCAL SOLUTIONS AND ECONOMIC RECOVERY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, the political parties are missing an opportunity to deal with both the discontent and the fundamental causes we see in the political process today. You don’t need to identify with the tea party to be frustrated with the tax system. It is incomprehensible, expensive, unfair, and unsustainable. People of all parties and philosophies understand that the long-term debt of the United States and the fiscal practices that drive it are heading for a train wreck.

The answer is not to ignore real problems, change the subject, or make it worse. A tax discussion should, frankly, address why the system is incomprehensible, the lack of certainty, how it doesn’t pay for what America needs, and how we spend through tax breaks about what we collect overall.

There are real problems that we should be zeroing in on, like the alternative minimum tax. It was a millionaire’s overtaxation 30 million American families, not the billionaires. They won’t pay it at all. It will be the near rich and the middle class. It was a system that was actually made worse the way the Bush tax cuts were structured.

We should deal with the corporate tax. Yes, it is the second highest stated rate in the world, but few companies pay the full amount because of a Swiss cheese of exemptions and special provisions. It actually penalizes people who manufacture here in the United States.

I would suggest that, if we can borrow trillions of dollars for tax changes, shouldn’t the trillions be used to fix the broken system and not to push problems ahead a couple of years? Instead, the debate is largely about extending $3.5 trillion in expiring Bush tax cuts or maybe about only extending $2.8 trillion, not to mention the cost of borrowing that money from the Chinese, the Europeans, or the Japanese. Missing in the debate is how much of that we can afford at all, not just the borrowed money and the deficit, but the lost opportunity to get the tax system right.

Yet it is not just about taxation. We must also look at the expenditure side of the equation, which is widely acknowledged. Our defense budget can be reduced and there are hints of this in the Obama administration, but we can do far more. We cannot continue to spend above the rate of inflation, not counting the wars in Afghanistan and Iraq, while we spend billions of dollars to protect West Germany from the Soviet Union, neither of which exists anymore.

We lavish agricultural subsidies on the richest agribusiness, but it doesn’t help most farmers or ranchers. We can help far more for far less.

There is the bottomless pit in the name of homeland security. Dana Priest’s brilliant writing in The Washington Post pointed out: It is out-of-control spending, layer upon layer of activities, that doesn’t make us any safer. Perhaps we may be less safe with all the expenditure.

There are some on the other side of the aisle who talk about eliminating health care reform. No. We should actually accelerate the reforms that are in the health care bill so that they won’t just save money but will actually improve health care. We can invest in value instead. We must not ignore why the long-term picture is such a problem and certainly we don’t want to make it worse.

Many tea party sympathizers and Jon Stewart fans could agree on this path forward. It would be nice, instead of campaign documents that get people mad and reduce voter turnout, there are some, work on areas of agreement with the public that start us on a path to fiscal solutions and economic recovery.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o’clock and 45 minutes a.m.), the House stood in recess until noon.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUÉLLAR) at noon.

PRAYER

Reverend Roy Bennett, Calvary Assembly of God Church, Jefferson City, Missouri, offered the following prayer:

Our Heavenly Father, we come to You today, asking Your divine blessing upon this House of Representatives. As they are called upon to make many decisions, we ask for Your divine direction for not only this House, but for our President and all others that are called upon to lead this great Nation.

Lord, help them to remember we are not great because of our vast resources or our manufacturing abilities, but because our forefathers believed when Your word said, “Blessed is the Nation whose God is the Lord.” And as they look to You, Lord, You led them, and Your blessing was upon this great land.

But today, Lord, we need Your divine direction and blessing to be upon this Nation more than ever. And now, Lord, let Your blessings be upon each one of these men and women that are leaders today. This we pray in Jesus’ name.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.

Pursuant to clause I, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Missouri (Mr. SKELTON) come forward and lead the House in the Pledge of Allegiance.

Mr. SKELTON led the Pledge of Allegiance.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3807. An act to implement certain defense trade cooperation treaties, and for other purposes.

WELCOMING REVEREND ROY BENNETT

The SPEAKER pro tempore. Without objection, the gentleman from Missouri (Mr. SKELTON) is recognized for 1 minute.

There was no objection.
Mr. SKELTON. Mr. Speaker, I rise today to personally welcome to the House our guest chaplain, Pastor Roy Bennett of Missouri. His son David is accompanying him in the gallery. A native of the Show-Me State, Pastor Bennett was raised on a farm in southeast Missouri, and attended high school in Zalma. Moving with his family to St. Louis following high school, he attended Brooks Bible Institute, and was ordained in the Assemblies of God. Exceeding in his ministry, Pastor Bennett would go on to serve congregations in the communities of Marble Hill, Potosi, Salem, and Versailles.

For the past 7 years, Pastor Bennett has grown a vibrant congregation at the First Assembly of God Church in Jefferson City, Missouri, where he currently serves as senior pastor. As his 50 years of service throughout rural Missouri demonstrate, Pastor Bennett has been an invaluable leader for several communities throughout our State.

I join my colleagues in welcoming Pastor Bennett to the U.S. House of Representatives, and we thank his son, David, who is with him today—one of his two sons. David is a former member of the Armed Services.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 24, 2010 at 12:43 p.m.:

That the Senate passed S. 1674, to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions;

That the Senate passed S. 3553, to amend the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to provide for certain disclosures under section 552 of title 5, United States Code, (commonly referred to as the Freedom of Information Act), and for other purposes;

That the Senate passed S. 3817, to amend the National Flood Insurance Program until September 30, 2011.

That the Senate passed without amendment H.R. 6190.

That the Senate passed with amendments H.R. 946.

That the Senate passed with amendments H.R. 2923.

That the Senate passed with amendments H.R. 946.

That the Senate passed with amendments H.R. 3802.

That the Senate passed with amendment H.R. 2701.

That the Senate passed S. 1338.

That the Senate passed S. 3802.

That the Senate passed S. 1510.

That the Senate passed S. 3717.

That the Senate passed S. 3802.

That the Senate passed without amendment H.R. 553.

That the Senate passed S. 3196.

That the Senate passed S. 3802.

That the Senate passed S. 1338.

That the Senate passed without amendment H.R. 2923.

That the Senate passed without amendment H.R. 3802.

That the Senate passed without amendment H.R. 2701.

That the Senate passed without amendment H.R. 553.

That the Senate passed without amendment H.R. 3802.

That the Senate passed with amendments H.R. 946.

That the Senate passed with amendments H.R. 2923.

That the Senate concur in House amendment to the title of the bill, S. 1510.

That the Senate concur in House amendments to the text and title of the bill, S. 366.

That the Senate passed with an amendment H.R. 2701.

That the Senate passed S. 1338.

That the Senate passed S. 3802.

With best wishes, I am
Sincerely,

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore, pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, announced that the following enrolled bills were signed by the Speaker on Friday, September 24, 2010:

S. 1674, to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions;

S. 3553, to amend the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940 to provide for certain disclosures under section 552 of title 5, United States Code, (commonly referred to as the Freedom of Information Act), and for other purposes;

S. 3817, to amend the National Flood Insurance Program until September 30, 2011.

SENATOR PAUL SIMON WATER FOR THE WORLD ACT KEY FACTS

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, almost 1 billion people lack access to safe drinking water and basic sanitation. Sick children miss 300 million school days a year from waterborne illness. And it kills 5,000 children every day. Our Water for the World Act emphasizes building sustainable expertise in these troubled countries. Their version of the Water for the World bill passed out of the Senate Foreign Relations Committee unanimously, and it passed the full Senate unanimously. Our House version has over 80 bipartisan cosponsors. This legislation does not provide new money, but helps us focus existing resources much more effectively to eradicate waterborne illness.

I hope that our leadership on both sides of the aisle will schedule and support this important legislation, a symbol that we can work together while we help poor people around the globe.

WHERE IS THE TAX POLICY?

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, as you know, we’re back in town for a 1- or 2-day workweek. But where is the tax policy that this country so desperately needs to know? People are waiting. We heard it all the month of August while we were home in our districts. End-of-the-year tax planning; businesses making hiring decisions; employee pay raises; and yes, people doing estate planning—no one can move because this Congress has yet to act on extension of tax policy. We’re all on hold until next year. Now the Internal Revenue Service cannot even begin to print the forms that it will send out for people who want to be in compliance with our tax laws. It means that Americans will need to be and be expected to fill out in January are not yet being printed.

Now, Mr. Speaker, Madam Speaker, we worked late when it suited your purpose. Cap-and-trade, may I remind you, was passed in this House late on a Friday night. The first version of health care passed this House in November, late on a Saturday night. And the second version of health care, the Senate version, which I remind you, was passed late on a Sunday night. This House is capable of working late, but it seems only when it suits the purpose of the Speaker of the House.

Madam Speaker, I urge us to complete this important task before we go home. The House should not adjourn until our work is done.

A COMPREHENSIVE PEACE AGREEMENT

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. One of the most troubled areas of the world is at the threshold of a great breakthrough for peace and for humanity. I call upon the Israeli and Palestinian leadership to remain committed to peace talks. I applaud the courageous decision of both Prime Minister Netanyahu and President Abbas to work together to achieve peace.

A majority of Israelis and Palestinians supports an agreement of creating a Palestinian state. The majorities in both populations support a negotiated two-state solution, and there is not a lot left to negotiate.

We have known the basic parameters of such an agreement for many years. It is critical that, as new developments threaten to derail the process, President Abbas must put his people and
their hopes for independence and statehood above preconditions, and Israel should avoid providing excuses for the Palestinians to exit their talks or actions to alienate Palestinian support for the talks.

I call upon both parties, in the interests of their people and the people of the United States and the world, to continue to engage in a good-faith negotiation to create a Comprehensive Peace Agreement to end the cycle of violence and to replace it with a cycle of peace and prosperity for both peoples.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

RECOGNIZING MILITARY MEDICAL AND AIR CREWS

Mr. CRITZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1605) recognizing the service of the medical and air crews in helping our wounded warriors make the expeditious and safe trip home to the United States and commending the personnel of the Air Force for their commitment to the well-being of all our service men and women, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 1605

Whereas aeromedical evacuation by the Air Force is part of an integrated combat casualty care system that includes front-line medics and corpsmen of the Army, Navy, and Air Force, as well as medical evacuation and casualty evacuation by Army, Navy, and Marine Corps flight, as well as medical evacuation and casualty evacuation by Army, Navy and Marine Corps flight, air ambulance and ground ambulance crews;

Whereas aeromedical evacuation missions provide support for all of the Armed Forces;

Whereas, since September 11, 2001, the aeromedical evacuation system has moved over 81,000 patients, including almost 14,000 battle-injured soldiers;

Whereas troops wounded in Operation Enduring Freedom and Operation Iraqi Freedom reach United States military hospitals out of theater in 30 hours or average;

Whereas the majority of patients are normally flown to Ramstein Air Base in Germany, and then to appropriate care facilities in the United States;

Whereas our wounded troops arrive at United States hospitals in an average of 3 days;

Whereas new troops wounded in Operation Enduring Freedom and Operation Iraqi Freedom arrive at United States hospitals on average 7 days faster than they did during Operation Desert Storm and over 40 days faster than during the Vietnam conflict;

Whereas yielding a survival rate of 98 percent for wounded service members by adopting a new strategy of rapid evacuation from the battlefield, critical care air transport teams provide care that has resulted in the lowest mortality rate of any war in United States history;

Whereas aeromedical evacuation is a Total Force effort which includes Active Duty, Reserve, and Air National Guard members;

Whereas the Air Force Reserve squadrons, 10 National Guard squadrons, and 4 Active Duty squadrons;

Whereas the aeromedical evacuation system is comprised of aeromedical evacuation crews, aeromedical staging facilities, aeromedical liaison teams, support and communications personnel, and command and control teams;

Whereas the Air Force has up to 500 aeromedical evacuation, aeromedical staging, aeromedical liaison, support, communications, and command and control personnel deployed to Afghanistan, to Iraq, in Europe, and in the United States, as part of the team providing care and helping ensure that wounded soldiers, sailors, airmen, and Marines get safely home to their families;

Whereas a normal aeromedical evacuation crew is composed of 2 flight nurses and 3 technicians;

Whereas a normal critical care air transport team, composed of a critical care physician, critical care nurse, and a respiratory technicin, augments an aeromedical evacuation crew when ICU level patients are transported; and

Whereas Air Mobility Command plays a crucial role in providing humanitarian support at home and around the world: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the service of the medical and air crews in helping our wounded warriors make the expeditious and safe trip home to the United States;

(2) commends the personnel of the Air Force for their commitment to the well-being of all our service men and women.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. CRITZ) and the gentleman from New York (Mr. JONES) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. CRITZ).

Mr. CRITZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CRITZ. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1605, recognizing the service of the medical and aircrews in helping our wounded warriors make the expeditious and safe trip home to the United States and commending the personnel of the Air Force for their commitment to the well-being of all our servicemembers.

I would like to thank the gentleman from California (Mr. THOMPSON) for bringing this resolution before the House.

Mr. Speaker, twice a week, those of us who have south-facing offices in the Cannon, Longworth and Rayburn House Office Buildings can sometimes catch a glimpse of something subtle but something altogether awe-inspiring. Every once in a while, we can see the arresting silhouette of a C-17 in a flight pattern towards Andrews Air Force Base in the final minutes of the journey home for some of America’s wounded warriors. Twice per week, on schedule, these aeromedical crews bring our wounded servicemembers home right here to the National Capital Area, after having fallen ill or having suffered injury during an already difficult deployment overseas. This powerful image is part of a much larger system.

The Air Force has up to 500 aeromedical personnel deployed to Afghanistan, Iraq, in Europe, and in the United States as part of the team providing care and helping to ensure that wounded soldiers, sailors, airmen, and marines get safely home to their families. It takes an average of 3 days for wounded troops to arrive at hospitals in the United States. This is over 40 days faster than during the Vietnam War.

We have aeromedical evacuation to thank for being the transportation spine of the effort to bring our ill and injured men and women home as safely and as quickly as possible.

Ultimately, aeromedical evacuation by the Air Force is part of an integrated combat casualty care system that includes front-line medics and corpsmen of the Army, Navy and Air Force as well as medical evacuation and casualty evacuation by Army, Navy and Marine Corps flight, air ambulance and ground ambulance crews.

We owe our sincerest gratitude to each and every person in this system who has yielded an extraordinary 98 percent survival rate for wounded servicemembers.

So, Mr. Speaker, if you are ever facing south on the Hill and see a C-17 on that flight pattern, you might breathe in relief because it might be one of our aeromedical evacuation transports bringing our wounded warriors home to receive world-class medical care.

I urge my colleagues to support House Resolution 1605.

I reserve the balance of my time.

Mr. JONES. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1605, as amended, recognizing the service of the military medical and aircrews who help our wounded warriors return home quickly and safely and commending the members of the Air Force for their commitment to our service men and women.

I thank the gentleman from California (Mr. THOMPSON) for introducing this legislation.

The key to our having our men and women survive after being wounded in combat is immediate medical care, followed by the quick and safe evacuation from the battlefield. No one does this better than the United States military.

Mr. Speaker, today’s combat casualty care system is a complex, integrated effort that brings a wounded
servicemember from the point of injury on the battlefield to the most sophisticated medical treatment available in the world. All of the military services have a role in this effort—from frontline medics who treat our casualties to the ambulance and aircrews who provide rapid air transport to the next level of medical care. We owe our utmost gratitude to all of the dedicated individuals who have a part in this life-saving endeavor.

But today we specifically recognize the men and women of the United States Air Force. Their commitment to excellence has raised aeromedical evaluation to an unprecedented level of success. One only has to travel to Andrews Air Force Base to witness firsthand the care, compassion and love given to our returning wounded. The Air Force pilots, crew chiefs, doctors, nurses, and medics have worked tirelessly to bring the wounded safely home.

I urge my colleagues who have not had that opportunity to watch the Air Force unloading these medical transport planes to go out to Andrews and see it. It is truly unforgettable. I have been out there myself, and I must say that it is heartwarming and a humbling experience to see this fine work done by the United States Air Force in the care for these wounded.

Mr. Speaker, I join all of my colleagues to honor the military medical personnel and aircrews whose skills and determination ensure that our wounded warriors return home quickly and safely. I, therefore, strongly urge all Members to support this resolution. I yield back the balance of my time.

Mr. CRITZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CRITZ) that the House suspend the rules and agree to the resolution, H. Res. 1605, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING FIRST ANNIVERSARY OF FORT HOOD SHOOTINGS

Mr. CRITZ. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 319) recognizing the anniversary of the tragic shootings that occurred at Fort Hood, Texas, on November 5, 2009.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 319

Whereas, on November 5, 2009, a gunman entered the Soldier Readiness Processing Center at Texas, and opened fire on military and civilian personnel who were preparing for deployment or who had recently returned to the United States from overseas;

Whereas 13 people were killed, including 12 soldiers, one of whom was an expecting mother, and one civilian;

Whereas 31 people were wounded, and some of the wounded required months of care and rehabilitation;

Whereas civilian and military law enforcement personnel of the Department of Defense acted swiftly and courageously to neutralize the threat;

Whereas Army medics immediately began treating the wounded, greatly reducing the loss of life;

Whereas near-by personnel selflessly evacuated wounded soldiers in great peril prior to the threat being eliminated; and

Whereas the Fort Hood regional communities, the State of Texas, military service organizations, and countless Americans united in support of the Fort Hood victims and their families: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the shootings that occurred at Fort Hood, Texas, on November 5, 2009, as a tragic event in the history of the Army and the United States;

(2) extends its deepest sympathies to the families and friends of the victims of the shootings who had already sacrificed a great deal by righteously answering their country’s call to serve;

(3) honors the civilian law enforcement personnel of the Department of Defense for effectively implementing their training to promptly eliminate the threat, thereby limiting additional loss of life or injury;

(4) commends the Fort Hood command team for its timely response and situational control; and

(5) expresses gratitude to the Fort Hood communities, military personnel stationed at Fort Hood, law enforcement personnel, and the American people for promptly extending comfort and assistance to the victims of the shootings and their families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. CRITZ) and the gentleman from North Carolina (Mr. JONES) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. CRITZ).

GENERAL LEAVE

Mr. CRITZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania? There was no objection.

Mr. CRITZ. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 319, recognizing the anniversary of the tragic shootings that occurred at Fort Hood, Texas, on November 5, 2009.

I am grateful to my colleague from Texas (Mr. Carriker) for his work in authoring this resolution.

Mr. Speaker, last November a gunman opened fire at the Soldier Readiness Processing Center at Fort Hood, where military and civilian personnel had recently been on deployment or were preparing to go overseas. This was an event that saddened every American, and it is important that we as a Nation remember those killed and injured and that we honor those who responded with courage and skill to assist the victims.

Ultimately, 12 soldiers and one civilian lost their lives in this atrocious at-
important that we also recognize that Ft. Hood's preparations beforehand enabled a timely response and situational control once the attack occurred. Unfortunately, the attack at Ft. Hood signals the requirement that such preparation apply to all of our military installations.

Mr. Speaker, I reserve the balance of my time.

Mr. CRITZ. Mr. Speaker, I yield such time as he may consume to my friend and colleague, the chairman of the Military Construction and Veterans Affairs Appropriations Subcommittee and original cosponsor of this resolution, the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS of Texas. Mr. Speaker, I rise in support of House Concurrent Resolution 319 and want to commend my colleague from Texas (Mr. CARTER) for offering this resolution and also for his tremendous leadership day in and day out on behalf of the incredible soldiers and families of Ft. Hood.

Mr. Speaker, on behalf of citizens all across America, we rise today to express our deepest respect for the soldiers and families of Ft. Hood, Texas, as we approach the 1-year anniversary of the tragic shooting there. I want to reaffirm to the Ft. Hood families that they are still in the thoughts and prayers of millions of our fellow Americans.

It is beyond words to say that Americans who were willing to risk their lives for our country and combat abroad ended up losing their lives here at home in an attack that just 1 year ago would have seemed unimaginable. While the 12 soldiers and one civilian killed at Ft. Hood last November did not die in combat in a foreign country, they gave their lives defending America, and for that, we will always consider them heroes. The spouses, children, and families of the fallen may not have their soldier’s uniform, but they, too, have served our Nation through their deep personal sacrifice. We will never ever forget that sacrifice. We cannot bring back their loved ones, but I hope that they will forever feel the collective love and gratitude and prayers of millions of their fellow Americans.

Mr. Speaker, during this attack last year, Ft. Hood was a scene of unspeakable tragedy, but I know it as a place of great triumph—a place where service to country has an ideal: it is a way of life, a place where the American spirit is alive and well.

I hope the world will see the Ft. Hood I saw as its Representative in Congress for 14 years through three combat deployments. When I think of Ft. Hood, I think of soldiers, their families, their children, and their neighbors in nearby communities who care for each other and are proud to serve and, yes, sacrifice for our Nation’s freedom.

I believe it is written as the Great Place” because that is what it is: past, present, and future. The actions of one deranged gunman should not, and will not, change that fact. The servicemen and -women of Ft. Hood, their families, and the neighboring communities are a very special, unique family. They make Ft. Hood what it is—a shining star in our Nation’s defense, a star that will burn brightly for all time.

While we honor the sacrifice of our veterans and our troops on Veterans Day and Memorial Day, I hope Americans will remember every day how blessed we are to live in a land where our soldiers and their families are willing to sacrifice so much in service to country. Let us all re dedicate ourselves to honoring our troops, our veterans, and their families. Let us remember them not just on Veterans Day and Memorial Day with our words but every day.

Today, we send our prayers to those who were wounded, physically and emotionally, by the unprovoked attack last year at Ft. Hood, and we ask that God keep them in His loving arms, those who gave that day, in the words of Lincoln, “their last full measure of devotion to country.”

Michael Grant Cahill, civilian physician assistant; Major L. Eduardo Caraveo; Staff Sergeant Justin M. DeCrow; Captain John P. Gaffaney; Specialist Frederick Greene; Specialist Jason Dean Hunt; Sergeant Amy Krueger; Private First Class Aaron Thomas Nemelka; Private First Class Michael Pearson; Captain Russell Seager; Private Francheska Velez; Lieutenant Colonel Juanita Warman; and Private First Class Kham Xiong. While these heroes are now in God’s loving arms, we here on Earth shall not forget them.

Mr. JONES. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. CARTER), who introduced this resolution, as much time as he might consume.

Mr. CARTER. I thank my friend for yielding.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 319 commemorating the 1-year anniversary of the terrible shooting at Ft. Hood, Texas.

On November 5, 2009, a gunman entered the Soldier Readiness Processing Center at Ft. Hood, Texas, and mercilessly opened fire on military and civilian personnel who were preparing for deployment or who had recently returned from being overseas in a deployment. Thirty people were killed in this attack, including 12 soldiers, one of whom was an expecting mother and one former soldier. Thirty-one people were wounded. Some of the wounded, like Staff Sergeant Patrick Zeigler, have required months of care and rehabilitation, and that is an ongoing situation.

But wonderful stories come out of this. One story that I heard, as a young soldier saw his sergeant get shot the third time, he jumped over his sergeant and the shooter and took the rest of the rounds into his body because he just was afraid his sergeant wouldn’t be able to survive any more.

Mr. Speaker, during this attack last year, Ft. Hood was a scene of unspeakable tragedy, but I know it as a place of great triumph—a place where service to country has an ideal: it is a way of life, a place where the American spirit is alive and well.

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Mr. JONES. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. CARTER), who introduced this resolution, as much time as he might consume.

Mr. CARTER. I thank my friend for yielding.

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But wonderful stories come out of this. One story that I heard, as a young soldier saw his sergeant get shot the third time, he jumped over his sergeant and the shooter and took the rest of the rounds into his body because he just was afraid his sergeant wouldn’t be able to survive any more.
Center that day, was about to be deployed again.

In his remarks at the Fort Hood memorial service shortly after the shooting, President Obama shared a story that symbolizes Staff Sergeant Krueger’s energy, drive and determination. He said: When her mother told her she couldn’t take on Osama bin Laden by herself, Amy replied ‘Watch me.’” That spirit was evident to all who knew her.

In the small Wisconsin town of Kiel, the news of Staff Sergeant Krueger’s death was met with an outpouring of love and support for her family and friends, as well as respect for her service to our country. On Memorial Day this year, the town unveiled a memorial in her honor that includes words that meant so much to her; “All Gave Some—Some Gave All.” As we mark this sad day one year later, we remember Staff Sergeant Krueger and send our thoughts and prayers to her loved ones.

Private First Class Amber Bahr of Random Lake, Wisconsin, is a Sixth District resident who was injured in the shootings. As the events unfolded that terrible day, Amber immediately reacted to help her injured comrades and did not even realize that she too had been shot. This generous spirit was also cited by President Obama as an example of the bravery and caring of these soldiers for one another.

Our service men and women have joined the military to serve their country; many, like Amy, to join the fight against terrorism. I am sure they did not expect that they would be fighting it here on U.S. soil.

I join my colleagues in supporting H. Con. Res. 319 as we take time to remember and pay our respects to those lives lost, as well as commend and thank the civilian and military law enforcement personnel, the medics and all others who helped those in need that day.

Mr. JONES. I yield back the balance of my time.

Mr. CRITZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The motion is agreed to.

The SPEAKER pro tempore. The motion is agreed to.

The SPEAKER pro tempore. The motion to reconsider was laid on the table.

SUPPORTING NATIONAL POW/MIA RECOGNITION DAY

Mr. CRITZ. Mr. Speaker, I move to suspend the rules and agree to the resolution, H. Res. 1630, expressing support for National POW/MIA Recognition Day, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1630

Whereas the United States depends upon the service and sacrifices of courageous young Americans to protect and uphold the national ideals;

Whereas generations of American men and women have served bravely and honorably in foreign conflicts over the course of the history of the United States;

Whereas thousands of these Americans serving overseas were detained and interned as prisoners of war, or went missing in action (“MIA”) during their wartime service;

Whereas more than 136,000 members of the United States Armed Forces who fought in World War II, the Korean War, the Vietnam War, the Cold War, the Gulf War, and Operation Iraqi Freedom were detained or interned as POWs, many suffering and thousands dying from starvation, forced labor, and severe torture;

Whereas, in addition to those POWs, more than 84,000 members of the Armed Forces who served in those wars remain listed by the Department of Defense as unaccounted for;

Whereas there remains today members of the Armed Forces being held in Iraq and Afghanistan;

Whereas thousands of American POWs and MIAs gave an immeasurable sacrifice for their country and for the well-being of their fellow Americans;

Whereas their bravery and sacrifice should be forever memorialized and honored by all Americans;

Whereas the uncertainty, hardship, and pain endured by the families and loved ones of POWs and MIA’s cannot be forgotten;

Whereas Congress first passed a resolution commemorating “National POW/MIA Recognition Day” in 1989;

Whereas the President annually honors “National POW/MIA Recognition Day” on the third Friday of each September through Presidential proclamation; and

Whereas in 2010, “National POW/MIA Recognition Day” is honored on September 17: Now, therefore, be it

Resolved, That the House of Representatives

(1) recognizes that National POW/MIA Recognition Day is one of the six days specified by law (pursuant to section 902 of title 36, United States Code) as a day on which the United States flag is to be flown over specified Federal facilities and national cemeteries, military installations, and post offices;

(2) extends the gratitude of the House of Representatives to those who have served the United States in captivity to hostile forces as prisoners of war;

(3) recognizes and honors the more than 84,000 members of the Armed Forces who remain unaccounted for and their families;

(4) recognizes the untiring efforts of national POW/MIA organizations in ensuring that America never forgets the contribution of the nation’s prisoners of war and unaccounted for military personnel;

(5) applauds the Defense POW/MIA Accounting Office, the Joint POW/MIA Accounting Command, the Armed Forces Identification Laboratory, the Life Sciences Equipment Laboratory, and the military services for continuing their mission of achieving the fullest possible accounting of all Americans unaccounted for as a result of the previous conflicts of the United States; and

(6) calls on all Americans to recognize National POW/MIA Recognition Day with appropriate remembrances, ceremonies, and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. CRITZ) and the gentleman from North Carolina (Mr. JONES) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.
Since the Vietnam war, achieving the fullest possible accounting of our POWs and MIAs has been a national priority. The Department of Defense organizations principally responsible for the accounting effort have made significant progress even at the cost of the lives of some of our physically demanding, dangerous fieldwork required. So I want to especially commend the efforts of the Defense POW/Missing Persons Office, the Joint POW/MIA Accounting Command, the Armed Forces Identification Laboratory, the Life Sciences Equipment Laboratory, and each of the military services. They make up the core of the Department of Defense’s accounting community.

Yet with all the progress that has been made, more needs to be done. The House Armed Services Committee took the lead a year ago with the enactment, for the first time, of a statutory requirement that the POWs and MIAs from all America’s prior wars be fully accounted for. In addition, the legislation mandated that by 2015, the Department of Defense achieve the fullest possible accounting of no less than 200 persons a year. To achieve this requirement will require additional resources and an improved integration of efforts among the DOD accounting community. We look forward to the Department of Defense plan to improve the way it has conducted the accounting mission.

It is also important for us to understand and commend the efforts of the families and loved ones of those who remain unaccounted for. Their unflagging grassroots efforts, as well as those of national POW/MIA organizations, have been essential to ensure that both the Congress and the executive branch remain committed to the accounting effort.

Finally, we must not forget those who died as POWs or survived captivity despite starvation, forced labor, and severe torture. For this reason, this resolution in support of National Prisoner of War/Missing in Action Recognition Day is an important one, and I urge unanimous support for its adoption.

I yield back the balance of my time.

Mr. CRITZ. I yield such time as he may consume to my friend and colleague, and the sponsor of this resolution, the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker. I rise today in support of H. Res. 1630, expressing support for National POW/MIA Recognition Day, which occurred on September 17.

With every war America wages, our Nation has lost courageous and selfless members of the United States Armed Forces who have fought to secure our freedom and liberty. During the course of these conflicts, more than 138,000 brave American service men and women have been detained as prisoners of war. Many suffered through torture, forced labor, and unspeakable hardships. Some POWs return home; others did not. They all deserve our recognition and our gratitude.

Also deserving special recognition are those Americans who never return from war—who are missing in action. Indeed, there remain today over 81,000 missing Americans, airmen, and marines who are unaccounted for on the battlefields of World War II, Korea, Vietnam, the cold war, and the gulf war.

One particular group of American heroes I want to mention today are the more than 500 U.S. marines and sailors from World War II who remain unaccounted for on the small Pacific atoll of Tarawa. I worked with Armed Forces Committee Chairman IKE SKELTON to include language in the 2010 defense reauthorization urging the Defense Department to review new research on the location of the remains of U.S. servicemen on Tarawa and to do everything feasible to see that they are recovered.

The Joint POW/MIA Accounting Command, JPAC, has just returned from Tarawa with word that they have recovered the remains of what they believe to be two U.S. servicemen. I, along with the families of those missing servicemembers, look forward to receiving the full report on this mission.

It is our obligation to honor the extraordinary service of all American POWs and MIAs. Congress first passed a resolution setting aside September as National POW/MIA Recognition Day in 1978. Since then, the third Friday of every September has been set aside to give remembrance to our Nation’s prisoners of war, unaccounted for military personnel, and their families and friends.

So long as members of our Armed Forces remain unaccounted for, we must expend every effort to bring them home to the country in whose defense they fought and sacrificed. It is vital that those who served, and their families know the U.S. will pursue all possible measures to fulfill the promise of recovery.

I want to highlight the unwavering commitment of the military commands devoted to recovering remains and providing solace and closure to the families of Americans who remain missing in action from previous conflicts. The Joint POW/MIA Accounting Command has successfully completed thousands of missions throughout the world to bring home the remains of fallen service members, and the efforts of the Defense Department’s POW/Missing Personnel Office, the Armed Forces Identification Laboratory, the Life Sciences Equipment Laboratory, and numerous veterans and POW/MIA organizations are more than deserving of recognition as well.

And, unfortunately, we cannot forget the two U.S. service members, sailors currently listed as having died in Iraq and Afghanistan. We will continue to pray for a swift and auspicious end to their ordeal.

I want to thank my colleagues who joined me in cosponsoring this resolution, as well as House Armed Services Committee Chairman SKELOTON for his help in moving that resolution.

I want to thank Mr. CRITZ for his work on this issue and other issues in our Ranking Member, Mr. JONES for all his work for our veterans.

Until they are home, our thoughts and prayers will forever remain with the families, friends and loved ones of those Americans who have suffered through tremendous hardship for their country.

I ask all my colleagues to join in support of National POW/MIA Recognition Day and to take a moment to reflect upon the immeasurable sacrifices made by America’s service men and women to ensure our freedom.

Mr. JOHNSON of Georgia. I rise today in support of H. Res. 1630, a resolution expressing support for National POW/MIA Recognition Day.

Mr. Speaker, as Members of Congress our most solemn obligation is to defend the United States and protect the American people from those who would do them harm. But we merely make national security policy. The men and women in uniform who shoulder the burden of defending our nation—who fight and sacrifice around the world on our behalf—they are the tip of the spear, who risk life and limb to keep us safe.

Those American warriors who are captured or missing in action must be honored, and this resolution does honor them. We extend the gratitude of this body and the nation to those who have served and continue to serve the United States in captivity to hostile forces as prisoners of war, and those who remain missing. But more importantly, we must make every effort to find and liberate them. American service men and women must know that they will not be forgotten. They will not be abandoned.

More than 138,000 members of the Armed Forces who fought in World War II, the Korean war, the Vietnam war, the cold war, the gulf war, and Operation Iraqi Freedom were detained or interned as POWs. Many of them endured unimaginable suffering. Today, more than 84,000 members of the Armed Forces remain unaccounted for. And there remain today members of the Armed Forces held captive in Iraq and Afghanistan.

Speaker, let us pause to honor those who have been captured or missing while serving our country at war. I urge my colleagues to support this resolution, a small token of our solemn appreciation.

Mr. CRITZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CRITZ) that the House suspend the rules and agree to the resolution, H. Res. 1630, as amended.

The question was taken; and (two-termed being) in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.
CONDEMN REMOVAL OF MOJAVE CROSS MEMORIAL

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1378) condemning the theft from the Mojave National Preserve of the national Mojave Cross memorial honoring American soldiers who died in World War I.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 1378

Whereas in 1934, World War I veterans placed a cross memorial on Sunset Rock near Barstow, California, with a wooden plaque proclaiming the simple monument honored the lives of all who have defended America and freedom;

Whereas in 2002, Congress declared the Mojave Cross a national memorial, the only such memorial dedicated to the war dead of World War I;

Whereas in 2003, Congress passed legislation to protect the Mojave Cross memorial by purchasing 50 acres of land that would leave the cross on private land, to be maintained by the Veterans of Foreign Wars;

Whereas, on April 28, 2010, the United States Supreme Court, in Salazar v. Buono, reversed a Court of Appeals judgment that invalidated an effort by Congress to preserve the Mojave Cross memorial through a land transfer and remanded the case for further proceedings; and

Whereas, on May 9, 2010, the Mojave Cross memorial was reportedly vandalized and stolen; Now therefore, be it

Resolved, That the House of Representatives—

(1) condemns the illegal removal of the Mojave Cross memorial by vandals as a repulsive act that is an insult to the brave men and women who have served in the Armed Forces and who have given their lives to defend the country; and

(2) urges the National Park Service and Federal law enforcement to continue working with the Veterans of Foreign Wars to recover the Mojave Cross memorial.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from California (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Pursuant to the request of the gentlewoman from the Virgin Islands, I yield myself such time as I may consume.

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1636) celebrating the 75th anniversary of the dedication of the Hoover Dam.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 1636

Whereas the Hoover Dam is an enduring symbol of the country’s ingenuity and perseverance of hard working Americans at the time of the Great Depression;

Whereas the Hoover Dam is the model for major water management projects around the world; and

Whereas the Hoover Dam is registered as a National Historic Landmark on the United States National Register of Historic Places and is considered one of several modern engineering wonders by the American Society of Civil Engineers: Now, therefore, be it

Resolved, That the House of Representatives—

(1) celebrates and acknowledges the thousands of workers and families that overcame difficult working conditions and great challenges to make construction of the facility possible;

(2) celebrates and acknowledges the economic, cultural, and historic significance of the Hoover Dam and its role in meeting future challenges;

(3) recognizes the past, present, and future benefits of its construction to the agricultural, industrial, and urban development of the Southwestern United States; and

(4) joins the States of Arizona, California, Nevada, and the entire Nation in celebrating the 75th anniversary of the dedication of the Hoover Dam.

The SPEAKER pro Tempore. Pursuant to the rule, the gentleman from California (Mrs. NAPOLITANO) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mrs. CHRISTENSEN. Mr. Speaker, I want to commend Mr. Lewis of California for his leadership in bringing this resolution before the House. The recent theft of the Mojave Cross memorial honoring American soldiers who died in World War I is an act that merits our strongest condemnation. So I urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. I yield back the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands.

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1636) celebrating the 75th anniversary of the dedication of the Hoover Dam.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 1636

Whereas the Hoover Dam, a concrete arch-gravity storage dam, was built in the Black Canyon of the Colorado River between the States of Nevada and Arizona, forever changing how water is managed across the West;

Whereas, on September 30, 1935, President Franklin D. Roosevelt dedicated the Hoover Dam;

There was no objection.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I reserve the balance of my time. The SPEAKER pro Tempore. Pursuant to the rule, the gentleman from California (Mrs. NAPOLITANO) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mrs. NAPOLITANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. There is objection to the request of the gentleman from California.

There was no objection.

Mrs. NAPOLITANO. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1636, a bipartisan resolution, commemorates the 75th anniversary of the dedication of Hoover Dam, and recognizes the past, the present, and the future benefits of its construction to the agricultural, to the industrial, and to the urban development of the Southwestern United States.

During its 75-year history, Hoover Dam has played a pivotal role in shaping what the Southwest is today, from a region with an inconsistent supply of water, to now providing water for more than 18 million people, including irrigation water for over 1 million acres of farmland in the States of Arizona, California, Nevada and 500,000 acres in Mexico. That beautiful natural resource that sparks life and economy to our west.

While this facility was completed three-quarters of a century ago, it continues for today and tomorrow to provide water and power certainty for millions of people. We currently have legislation pending in the Senate, Senate Bill 2696 and H.R. 3439, the Hoover Power Allocation Act of 2010. This legislation would allocate hydropower generated at Hoover Dam, estimated at...
Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, generations ago water and power visionaries came up with the idea of making the West bloom by harnessing our rivers. The Hoover Dam is a legendary example of that vision. When completed in 1935, it was the tallest dam and the largest hydroelectric generator in the world. It literally helped create cities in the arid West and to this day, as my friend from California pointed out, still provides numerous benefits: emissions-free hydropower, drinking and irrigation water, and recreation and flood control.

This bipartisan resolution is a fitting honor to the Hoover Dam and to those who had the foresight to create one of the world’s best-known engineering marvels.

Mr. Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and in general help create cities in the arid West and to this day, as my friend from California pointed out, still provide numerous benefits: emissions-free hydropower, drinking and irrigation water, and recreation and flood control.

This bipartisan resolution is a fitting honor to the Hoover Dam and to those who had the foresight to create one of the world’s best-known engineering marvels.

Mr. Speaker, I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mr. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 417, legislation that I introduced to authorize the Secretary of the Interior to enter into a lease with the owners of Caneel Bay Resort in my congressional district.

I have a longer statement which I will submit for the RECORD, but I want to begin by thanking Natural Resources Committee Chairman Nick Rahall and Subcommittee Chairman Raúl Grijalva for their strong and steadfast support of this bill. I also want to thank Ranking Member Hastings and Subcommittee Ranking Member Bishop for their support as well.

Mr. Speaker, H.R. 714 passed the House in February of 2009 and was approved by the other body, with an amendment, on May 14 of this year. We have been working to secure the enactment of this or a similar bill for more than 4 years, which will mean that the largest employer on the island of St. John in my district will be able to make badly needed upgrades to its facilities and keep operating and save jobs of over 400 employees during these challenging economic times.

In conclusion, Mr. Speaker, I want to thank the Natural Resources Committee Chief of Staff Jim Zoia, Chief Counsel Rick Healy, and National Parks and Public Land Subcommittee Staff Director David Watkins for all their hard work and assistance on this bill. H.R. 714 is an example of an effective public-private partner-ship, and I urge my colleagues to support its adoption.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, H.R. 714 has been adequately explained by the gentlelady from the Virgin Islands. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 714.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

HOUING, EMPLOYMENT, AND LIVING PROGRAMS FOR VETERANS ACT OF 2010

Mr. FILNER. Mr. Speaker, I move to suspend the rules and agree to H.R. 5360 (Mr. Christensen) to amend title 38, United States Code, to modify the standard of visual acuity required for eligibility for specially adapted housing assistance provided by the Secretary of Veterans Affairs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Housing, Employment, and Living Programs for Veterans Act of 2010” or the “HELP Veterans Act of 2010.”

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.
Sec. 3. Modification of standard of visual acuity for eligibility for specially adapted housing assistance provided by the Secretary of Veterans Affairs.
Sec. 4. Authorities regarding housing loans guaranteed by the Department of Veterans Affairs.
Sec. 5. Reauthorization and improvement of Department of Veterans Affairs small business loan program.
Sec. 6. Assistance for flight training.
Sec. 7. Seven-year increase in amount of assistance for individuals pursuing apprenticeships or on-job training.
Sec. 8. Extension of authority for certain qualifying work-study activities for purposes of the educational assistance programs of the Department of Veterans Affairs.
Sec. 9. Expansion of work-study allowance to include certain outreach services conducted through congressional offices.
Sec. 10. Temporary reduction of required amount of wages for on-the-job training programs.
Sec. 11. Reauthorization of Veterans' Advisory Committee on Education.

Sec. 12. Homeless women veterans and homeless veterans with children; reintegration grant program.

Sec. 13. Technology review and grant program.

Sec. 14. Child care and President's Budget.

Sec. 15. Increase in amount of reporting fee payable to educational institutions that enroll veterans receiving educational assistance.

Sec. 16. Modification of advance payment of initial educational assistance or prepayment of guaranteed loans.

Sec. 17. Increase in amount of subsistence allowance payable to veterans participating in vocational rehabilitation programs.

Sec. 18. Expansion of availability of employment assistance allowance for veterans using employment services.

Sec. 19. Promoting jobs for veterans teaching in rural areas.

Sec. 20. Promoting jobs for veterans through the establishment of an internship program.

Sec. 21. Veterans entrepreneurial development summit.

Sec. 22. Increase in the maximum amount of specially adapted housing assistance authorized to be provided by the Secretary of Veterans Affairs.

Sec. 23. Department of Veterans Affairs housing loans for construction of energy efficient dwellings.

Sec. 24. Pilot program on specially adapted housing assistance for veterans residing temporarily in housing owned by a family member.


Sec. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

Sec. 3. MODIFICATION OF STANDARD OF VISUAL ACUITY REQUIRED FOR ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING ASSISTANCE PROVIDED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 2101(b)(2)(A) is amended by striking “with 5/200” and all that follows through the period and inserting the following: “with central visual acuity of 20/200 or less in the better eye with the use of standard correcting lenses (for purposes of this subchapter, an eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees) and having a central visual acuity of 20/200 or less.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to all claims filed on or after the date of the enactment of this Act.

Sec. 4. AUTHORITIES REGARDING HOUSING LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) COVENANTS AND LIENS IN RESPONSE TO DISASTER-RELIEF ASSISTANCE.—Paragraph (3) of section 3703(d) is amended to read as follows:

“(3)(A) Any real estate housing loan (other than for repairs, alterations, or improvements) shall be secured by a first lien on the property. In determining whether a loan is so secured, the Secretary may either disregard or allow for subordination to a superior lien that—

“(i) is created by a duly recorded covenant running with the realty in favor of—

“(D) a public entity that provides assistance in response to a major disaster as determined by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

“(ii) a private entity to secure an obligation to such entity for the homeowner’s share of the costs of the management, operation, or maintenance of property, services, or programs within and for the benefit of the development or community in which the veteran’s property is located; and

“(B) in respect to a superior lien described by subparagraph (A) that is created after June 6, 1969, the Secretary’s determination must have been made prior to the recording of the covenant.”;

(b) EXTENSION OF AUTHORITY TO POOL LOANS.—Paragraph (2) of section 3709(b) is amended by striking “2011” and inserting “2016”.

Sec. 5. REAUTHORIZATION AND IMPROVEMENT OF PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS SMALL BUSINESS LOAN PROGRAM.

(a) REAUTHORIZATION.—

(1) IN GENERAL.—Chapter 37 is amended by striking section 3753.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 3753.

(b) EXPANSION OF ELIGIBILITY FOR SMALL BUSINESS LOANS.—Chapter 37 is further amended—

(1) in section 3741, by striking paragraph (2); and

(2) in section 3742(a)(3)(A), by striking “veterans of the Vietnam era”;

(c) REPEAL OF AUTHORITY TO MAKE DIRECT LOANS.—Chapter 37, as amended by subsections (a) and (b), is further amended—

(1) in section 3742—

(A) in subsection (a)—

(i) in paragraph (2), by striking “(A) loan guarantees, or (B) direct loans” and inserting “loan guarantees”;

(ii) in paragraph (3), by striking “and that at least 51 percent of a business concern must be owned by disabled veterans in order for such concern to qualify for a direct loan”;

(B) in subsection (b)—

(i) by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (4), respectively; and

(ii) in paragraph (2), as so redesignated, by striking “make or”;

(C) in subsection (c), by striking “made or”;

(D) in subsection (d)—

(i) by striking paragraph (2); and

(ii) by striking “As excepted as provided in paragraph (2) of this subsection, the” and inserting “The”;

(C) striking “make or”;

(E) in subsection (e)—

(i) in paragraph (1)—

(I) in the first sentence, by striking “or, if the loan was a direct loan made by the Secretary, may suspend such obligation”; and

(II) in the second sentence, by striking “or while such obligation is suspended”; and

(ii) by striking “suspended” each place it appears;

(iii) by striking “suspended” each place it appears;

(iv) by striking “suspends” each place it appears; and

(v) in paragraph (4), by striking “suspended” each place it appears;

(2) in section 3743—

(A) by striking “that is provided a direct loan under this subchapter, or”;

(B) by striking the comma between “subchapter” and “shall”;

(C) by striking “direct or”;

and

(D) by striking “for the amount of such direct loan, or in the case of a guaranteed loan”.

(3) in section 3745—

(A) by striking “(a)”;

and

(B) by striking subsection (b);

(4) in section 3746, by striking “made or”;

(5) in section 3750, by striking “made or”;

(6) AUTHORITY TO ENTER INTO A CONTRACT.—Section 3792, as amended by subsection (c), is further amended by adding at the end the following new subsection:

“(D) The Secretary shall enter into a contract with an appropriate entity for the purpose of carrying out the program under this subchapter.”.

(7) REPORTING.—Section 3749, as amended by subsection (c), is further amended by adding at the end the following new paragraph:

“(g) Authorization of appropriations.—

“‘There are authorized to be appropriated to carry out this subchapter such sums as may be necessary.’.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 is amended by striking the item relating to section 3749 and inserting the following new item:

“3749. Authorization of appropriations.”.

(g) LOAN FEE.—

(1) IN GENERAL.—Chapter 37 is further amended by inserting after section 3749 the following new section:

“§ 3749A. Loan Fee.

“(a) REQUIREMENT OF FEE.—(1) The Secretary shall collect a fee from each veteran’s small business concern obtaining a loan guaranteed under this subchapter.

(2) No loan may be made or guaranteed under this subchapter until the fee payable under this section has been remitted to the Secretary.

(3) The fee may be included in the loan guaranteed under this subchapter and paid from the proceeds thereof.

(2) DETERMINATION OF FEE.—The amount of the fee shall be the full cost of the loan guarantee plus an additional amount determined by the Secretary as sufficient to cover applicable administrative expenses.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3749 the following new item:

“3749A. Loan Fee.”.

(b) DEFINITIONS.—Section 3741 is amended by adding at the end the following new paragraphs:

“‘shall’;

(3) The term ‘cost’ has the meaning given the term ‘cost of a loan guarantee’ within the meaning of section 502(5)(C) of the Federal Credit Reform Act of 1990 (2 U.S.C. 664(5)(C));

and

(3) The term ‘guarantee’—

(A) has the meaning given the term ‘loan guarantee’ in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 664(5)(C)); and

(B) includes a loan guarantee commitment (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)).

(3) The term ‘obligation’ means the loan or other debt obligation that is guaranteed under this subchapter.”.

September 28, 2010
Subsection (e)(1) of section 3302 is amended by striking "80 percent" and inserting "75 percent".

SEC. 7. SEVEN-YEAR INCREASE IN AMOUNT OF ASSISTANCE FOR INDIVIDUALS PURSUING APPRENTICESHIPS OR ON-JOB TRAINING.

During the seven-year period beginning on the date of enactment of this Act, the Secretary of Veterans Affairs shall apply—

(1) section 3302(c)(1) of title 38, United States Code—

(A) in subparagraph (A), by substituting "80 percent" for "70 percent";

(B) in subparagraph (B), by substituting "60 percent" for "55 percent"; and

(C) in subparagraph (C), by substituting "40 percent" for "35 percent";

(2) section 3233(a) of such title—

(A) in paragraph (1), by substituting "80 percent" for "75 percent";

(B) in paragraph (2), by substituting "60 percent" for "55 percent"; and

(C) in paragraph (3), by substituting "40 percent" for "35 percent";

(3) section 3657(b)(2) of such title—

(A) by substituting "$600" for "$574";

(B) by substituting "$450" for "$429"; and

(C) by substituting "$296" for "$285";

(4) section 3131(d)(1) of title 10, United States Code—

(A) in subparagraph (A), by substituting "80 percent" for "75 percent";

(B) in subparagraph (B), by substituting "60 percent" for "55 percent"; and

(C) in subparagraph (C), by substituting "40 percent" for "35 percent";

SEC. 8. EXTENSION OF AUTHORITY FOR CERTAIN QUALIFYING WORK-STUDY ACTIVITIES FOR PURPOSES OF THE EDUCATION AND REHABILITATION PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

Paragraph (a) of section 3485(a) is amended by striking "June 30, 2010" each place it appears and inserting "June 30, 2020".

SEC. 9. EXPANSION OF WORK-STUDY ALLOWANCE TO INCLUDE CERTAIN OUTREACH SERVICES CONDUCTED THROUGH CONGRESSIONAL OFFICES.

Section 3485(a)(4) is amended by adding at the end the following new subparagraph:

"(G) The following activities carried out at the offices of Members of Congress for such Members or their staffs, to the extent described by paragraph (8) of section 16131, United States Code, as added by paragraph (1), by not later than the date that is five years after the date of enactment of this section:"

SEC. 10. TEMPORARY REDUCTION OF REQUIRED AMOUNT OF WAGES FOR ON-THE-JOB TRAINING PROGRAMS.

(a) IN GENERAL.—

(1) REDUCING REQUIREMENTS.—Section 3677(b)(1)(A)(ii) is amended by striking "85 percent" and inserting "65 percent".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2010, and shall apply to a veteran who obtains a grant of training on the job approved under section 3677 of title 38, United States Code, on or after that date.

(b) SUNSET.—

(1) REGULATION.—Effective October 1, 2013, section 3677(b)(1)(A)(ii) of such title, as amended by subsection (a) of this section, is amended by striking "65 percent" and inserting "75 percent".

(2) APPLICATION.—The amendment made by paragraph (1) shall apply to a veteran who enrolls in a program of training on the job approved under section 3677 of title 38, United States Code, on or after October 1, 2013.

(c) GAO REPORT.—Not later than October 1, 2013, the Comptroller General shall submit to the Committee on Veterans' Affairs of the House of Representatives and the Committee on Veterans' Affairs of the Senate a report on the effects of eliminating the requirement under section 3677(b)(1)(A)(ii) of title 38, United States Code, for a private employer to provide remuneration to veterans enrolled in a program of training on the job approved under section 3677 of such title.

SEC. 11. REAUTHORIZATION OF VETERANS' ADVISORY COMMITTEE TO THE SECRETARY OF VETERANS AFFAIRS.

Section 3692(c) is amended by striking "December 31, 2009" and inserting "December 31, 2020".

SEC. 12. HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN REINTEGRATION GRANT PROGRAM.

(a) GRANT PROGRAM.—Chapter 20 is amended by inserting after section 2021 the following new section:

"§ 2021A. Homeless women veterans and homeless veterans with children reintegration grant program.

(1) IN GENERAL.—Chapter 20 shall be known as the "Homeless Women Veterans and Homeless Veterans with Children Reintegration Grant Program".

(2) USE OF FUNDS.—Grants under this section shall be used to—

(A) provide services to homeless veterans and homeless veterans with children;

(B) establish and operate programs to ensure that homeless women veterans and homeless veterans with children have access to health care and services;

(C) conduct outreach and provide referrals to other service providers; and

(D) provide child care services that will enable participating veterans to be employed or educated and to improve their economic self-sufficiency.

(3) ELIGIBLE RECIPIENTS.—A grant under this section may be awarded to a grant recipient that—

(A) is a public, tax-exempt, or private nonprofit organization;

(B) is a State or local governmental unit or body; or

(C) is a veterans service organization.

(b) SWEEPSTAKES FUND.—Each grant awarded under this section shall provide, for an amount of not more than $250,000 per year:

(1) a lottery for veterans who have served in the Armed Forces and their families;

(2) the Secretary of Labor to award prizes to veterans and their families; and

(3) the Secretary of Labor to award grants to States and local governments to be used to support programs to assist veterans and their families in reemploying veterans.

(c) REPORT.—Grants under this section shall be subject to the provisions of section 3692(b) of title 38, United States Code, as added by paragraph (1).".

SEC. 13. TECHNOLOGY REVIEW AND GRANT PROGRAM.

(a) REVIEW AND EVALUATION OF NEW TECHNOLOGY.—The Secretary of Veterans Affairs shall establish a team of individuals from appropriate disciplines to review new technologies, processes, and products and for determining which such technologies, processes, and products may be beneficial to the Department of Veterans Affairs or to the veterans served by the Department. Upon completion of the review under this subsection, the team shall submit to the Secretary a report recommending whether or not to approve grants to the Department for any particular technology.

(b) SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM.—

(1) IN GENERAL.—Chapter 21 is amended by adding at the end the following new section:

"§ 2108. Specially adapted housing assistive technology grant program.

(1) AUTHORITY TO MAKE GRANTS.—The Secretary shall make grants to encourage the development of new assistive technologies for specially adapted housing.

(2) APPLICATION.—A person or entity seeking a grant under this section shall submit to the Secretary an application for the grant in such form and manner as the Secretary shall determine.

(3) AMOUNT OF GRANTS.—Each grant awarded under this section shall provide, for an amount of not more than $25,000 per year:

(1) the name of the grant recipient;

(2) the amount of the grant; and

(3) the goal of the grant.

(4) RECAPTURE.—From amounts authorized to be appropriated to the Department for each fiscal year for which the Secretary is authorized to make a grant under this section, $1,500,000 shall be available for that fiscal year for the purposes of the program under this section.

(c) TERMINATION.—The authority to make grants under this section shall terminate on the date that is five years after the date of the enactment of this Act.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2108. Specially adapted housing assistive technology grant program."

(3) EFFECTIVE DATE.—The Secretary of Veterans Affairs shall begin making grants under section 2108 of title 38, United States Code, as added by paragraph (1), by not later than one year after the date of the enactment of this Act.

SEC. 14. CHILD CARE; PRESIDENT'S BUDGET.

(a) IN GENERAL.—Chapter 28 is amended by adding at the end the following new sections:

"§ 3123. Child care assistance for single parents.

(1) IN GENERAL.—Pursuant to regulations prescribed by the Secretary of Veterans Affairs, the Secretary shall provide reimbursements for the actual cost of child care provided by a licensed provider to a veteran who is a single parent and whose veteran child qualifies for child care assistance under section 3677 of title 38, United States Code.
beginning after the date of the enactment of this Act and each subsequent month.

SEC. 15. INCREASE IN AMOUNT OF REPORTING FEE PAYABLE TO EDUCATIONAL INSTITUTIONS THAT ENROLL VETERANS RECEIVING EDUCATIONAL ASSISTANCE.

(a) INCREASE IN AMOUNT OF FEE.—Subsection (c) of section 3684 is amended—

(1) by inserting “$7” and inserting “$16”;

and

(2) by inserting “$11” and inserting “$16”.

(b) TECHNICAL CORRECTION.—Subsection (a) of such section is amended by striking the second comma after “44”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on January 1, 2011.

SEC. 17. INCREASE IN AMOUNT OF SUBSISTENCE ALLOWANCE PAYABLE TO VETERANS PARTICIPATING IN VETERANS PARTICIPATING IN VOCATIONAL REHABILITATION PROGRAM.

(a) INCREASE IN SUBSISTENCE ALLOWANCE.—Section 319(b)(1) is amended by striking the table and inserting the following new table:

<table>
<thead>
<tr>
<th>Type of program</th>
<th>No dependents</th>
<th>One dependent</th>
<th>Two dependents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full-time</td>
<td>$815.67</td>
<td>$965.27</td>
<td>$1,114.88</td>
</tr>
<tr>
<td>Three-quarter time</td>
<td>$440.21</td>
<td>$545.83</td>
<td>$640.27</td>
</tr>
<tr>
<td>Half-time</td>
<td>$294.55</td>
<td>$364.94</td>
<td>$435.90</td>
</tr>
</tbody>
</table>

The amount in column IV, plus the following for each dependent in excess of two:

- More than two dependents

SEC. 16. MODIFICATION OF ADVANCE PAYMENT OF INITIAL EDUCATIONAL ASSISTANCE OR SUBSISTENCE ALLOWANCE.

(a) MODIFICATION.—Section 3680(d)(2) is amended by inserting after the third sentence the following new sentence: “For purposes of the entitlement to educational assistance of the veteran or person receiving an advance payment under this subsection, the advance payment shall be charged against the final month of the entitlement of the person or veteran and, if necessary, the pejulatime such month. In no event may any veteran or person receive more than one advance payment under this subsection during any academic year.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to an advance payment of educational assistance made on or after January 1, 2011.
amended by inserting after the item relating to section 711 the following new item: "712. Internship program."

SEC. 21. VETERANS ENTREPRENEURIAL DEVELOPMENT SUMMIT.

(a) In General.—Subchapter II of chapter 81 is amended by adding at the end the following new section:

"8129. Veterans entrepreneurial development summit.

"(a) Veterans Entrepreneurial Development Summit.—The Secretary may hold an event, once every year, to provide networking opportunities, outreach, education, training, and support to small business concerns owned and controlled by veterans, veteran service organizations, and other entities as determined appropriate by the Secretary.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this subsection $12,000,000 for each of fiscal years 2011 and 2021.

(c) Clerical Amendment.—The table of sections at the beginning of this chapter is amended by adding at the end of the items relating to sections 8121 through 8128 the following new item:

"8129. Veterans entrepreneurial development summit."

SEC. 22. INCREASE IN THE MAXIMUM AMOUNT OF SPECIAL HOUSING LOAN GUARANTEED TO VETERANS RESIDING TEMPORARILY IN HOUSING ASSISTANCE FOR VETERANS AFFAIRS.

(a) In General.—Section 2102 is amended—

(1) in paragraph (1)—

(A) by striking "$12,000" and inserting "$13,756"; and

(B) in paragraph (2), by striking "$12,000" and inserting "$13,756";

(2) in subsection (d)—

(A) by striking "$12,000" and inserting "$13,756"; and

(B) in paragraph (3), by striking "$12,000" and inserting "$13,756";

(b) Effective Date.—The amendments made by subsection (a) shall apply to assistance furnished after the date of the enactment of this Act.

SEC. 23. DEPARTMENT OF VETERANS AFFAIRS HOUSING LOANS FOR CONSTRUCTION OF ENERGY EFFICIENT DWELLINGS.

(a) Loans Authorized.—Section 3710(d) is amended—

(1) in paragraph (1)—

(A) by striking "The Secretary" and inserting "(A) The Secretary";

(B) by striking "for the acquisition of" and all that follows through and including "the Secretary"; and

(C) by adding at the end the following new clauses:

"(i) The acquisition of an existing dwelling and the cost of making energy efficiency improvements to the dwelling;

(ii) The construction of a new dwelling and the cost of making energy efficiency improvements to the dwelling;

(iii) Energy efficiency improvements to a dwelling owned and occupied by a veteran; and

(iv) Energy efficiency improvements to a dwelling owned and occupied by a family member of a veteran.

(b) Authorization of Appropriations.—Section 3710(e) is amended—

(1) in paragraph (1)—

(A) by striking "The Secretary" and inserting "(A) The Secretary";

(B) by striking "for the acquisition of" and all that follows through and including "the Secretary"; and

(C) by adding at the end the following new clauses:

"(i) Energy efficiency improvements to a dwelling owned and occupied by a veteran; and

(ii) Energy efficiency improvements to a dwelling owned and occupied by a family member of a veteran.

SEC. 24. PILOT PROGRAM ON SPECIALLY ADAPTED HOUSING ASSISTANCE FOR VETERANS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

(a) Treatment of Certain Limitations.—Notwithstanding subsection (d) of section 2102 of title 38, United States Code, and subject to subsection (b), a grant under section 2102A of such title shall not count toward the dollar amount limitations specified in that subsection.

(b) Termination.—Subsection (a) shall apply only to the first 25 grants made during fiscal year 2011.
Chairwoman VELA´ZQUEZ and Speaker PELOSI led by Chairwoman NADIA VELA´ZQUEZ once again chose to favor other small business set aside groups over service disabled veteran-owned small businesses when competing with other set aside groups for VA contracts by changing the word “may” to “shall” when awarding sole source contracts to service disabled veteran-owned small businesses.

The Veterans Affairs Committee unanimously passed both of these provisions in hope that an additional source of credit backed by the VA will encourage lenders to increase the amount of credit and that a level playing field is the right thing to do for small businesses owned and controlled by service disabled veterans. It is truly unfortunate that Chairwoman VELA´ZQUEZ and Speaker PELOSI continue their history of opposing provisions that would benefit disabled veteran-owned small business.

Mr. Speaker, it is unfortunate indeed that about 10 percent of homeless veterans are women and a significant percentage of those veterans bring children with them. So I am also pleased that the bill includes another provision which I introduced to establish a Homeless Veteran Reintegration Program for Women or HVRP-W. This program will focus on homeless programs specially designed to serve homeless women veterans and veterans with children. A veteran, especially one with children at their side should never be homeless.

Section 13 of the bill contains a provision introduced by Mr. BOOZMAN to encourage research and development in the field of assistive technologies used to adapt the homes of severely injured veterans. This authority will make a disabled veterans’ homes just a bit more livable.

Mr. Speaker, it is no secret that our young people need positive role models. That is why the provisions I introduced as part of H.R. 4220 are an important part in this bill. Section 19 would provide a small temporary stipend to veterans who are new teachers in rural areas. Therefore, we are not only helping veterans to become teachers in rural areas, but we are also showing our next generation of America’s what it means to make a commitment to the nation.

Section 20 would also provide one-year internships at VA for up to 2,000 graduates of the Vocational Rehabilitation and Employment program. These positions will provide service disabled veterans with work experience while helping VA meet the needs of their fellow veterans.

Anyone who has renovated a home recently knows the cost of construction continues to climb more rapidly that the overall inflation rate. Severely disabled veteran often need their homes adapted to make them more livable. That is why Mr. BOOZMAN introduced VA’s Specially Adapted Home program. These provisions would increase the existing small grant to $13,756 and the large grant to $65,780.

Mr. Speaker, section 24 contains provisions also introduced by Mr. BOOZMAN as H.R. 4259 known as the WARMER Act. This bill updates the types and maximum values of energy efficiency loans that VA may guarantee while directing VA to standardize its appraisal process to ensure energy efficiency improvements are properly valued.

Finally, section 25 is a provision introduced by Mr. MORAN of Kansas to make it easier for severely disabled veterans to use the Temporary Residence Adaptation or TRA grant. TRA grants make small grants up to $12,000 available to adapt the homes of family members with whom a severely injured veteran is living. Normally, TRA grants are deducted from the veterans overall grant, thus reducing subsequent grants. The provision would allow VA to issue up to 25 grants in Fiscal Year 2011 without reducing the veterans total award. This will help determine whether disabled veterans would be more likely to use the TRA grant.

Mr. Speaker, I want to ensure the Members of my support for this excellent bill despite the removal of several provisions that would benefit veteran-owned small businesses at this critical time and urge my colleagues to support H.R. 5360.

Mr. HASTINOS of Washington. I yield back the balance of my time.

Mr. FILNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5360, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The Title was amended so as to read, “A bill to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.”

A motion to reconsider was laid on the table.

VETERANS BENEFITS AND ECONOMIC WELFARE IMPROVEMENT ACT OF 2010

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6132) to amend title 38, United States Code, to establish a transition program for new veterans, to improve the disability claim system, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6132

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Veterans Benefits and Economic Welfare Improvement Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Military transition program.
Sec. 3. Waiver of claim development period for claims under laws administered by Secretary of Veterans Affairs.
Sec. 4. Tolling of timing of review for appeals of final decisions of Board of Veterans’ Appeals.
Sec. 5. Exclusion of certain amounts from determination of annual income with respect to pensions for veterans and surviving spouses and children of veterans.
Sec. 6. Extension of authority of Secretary of Veterans Affairs to obtain certain income information from other agencies.

Sec. 7. VetStar Award program.

Sec. 8. Increase in amount of pension for Medal of Honor recipients.

Sec. 9. Compliance with Statutory Pay-As-You-Go Act of 2010.

SEC. 2. MILITARY TRANSITION PROGRAM.

(a) IN GENERAL.—Chapter 41 of title 38, United States Code, is amended by inserting after section 4111 the following new section: "§ 4115. Military transition program

"(a) ESTABLISHMENT; ELIGIBILITY.—(1) Subject to the availability of appropriations for such purpose, the Secretary of Veterans Affairs and the Assistant Secretary of Labor for Veterans' Employment and Training shall jointly carry out a program of training to provide eligible veterans with skills relevant to the job market.

"(2) For purposes of this section, the term 'eligible veteran' means any veteran whom the Secretary of Veterans Affairs determines:

"(A) is not otherwise eligible for education or training services under this title;

"(B) has not acquired a marketable skill since leaving active service or separated from service in the Armed Forces;

"(C) was discharged under honorable conditions; and

"(D) has been unemployed for at least 90 days during the 180-day period preceding the date of application for the program established under this section; or

"(ii) during such 180-day period received a maximum hourly rate of pay of not more than 150 percent of the Federal minimum wage.

"(b) APPRENTICESHIP OR ON-THE-JOB TRAINING PROGRAM.—The program established under this section shall provide for payments to employers who provide for eligible veterans a program of apprenticeship or on-the-job training if—

"(1) such program is approved as provided in paragraph (1) or (2) of section 3687(a) of this title;

"(2) the rate of pay for veterans participating in the program is not less than the rate of pay for nonveterans in similar jobs; and

"(3) the Assistant Secretary of Labor for Veterans' Employment and Training reasonably expects that—

"(A) the veteran will be qualified for employment in that field upon completion of training; and

"(B) the employer providing the program will continue to employ the veteran at the completion of training.

"(c) PAYMENTS TO EMPLOYERS.—(1) Subject to the availability of appropriations for such purpose, the Assistant Secretary of Labor for Veterans' Employment and Training shall enter into contracts with employers to provide programming and apprenticeship or on-the-job training that meet the requirements of this section. Each such contract shall provide for the payment of the amounts described in paragraph (1) to employers whose programs meet such requirements.

"(2) The amount paid under this section with respect to any eligible veteran for any period shall be 50 percent of the wages paid by the employer to such veteran for such period. Wages shall be calculated on an hourly basis.

"(3)(A) Except as provided in subparagraph (B)—

"(i) the amount paid under this section with respect to a veteran participating in the program established under this section may not exceed $30,000 in the aggregate or $1,666.67 per month; and

"(ii) such payments may only be made during the first 12 months of such veteran's participation in the program.

"(B) In the case of a veteran participating in the program on a full-time basis, the Assistant Secretary of Labor for Veterans' Employment and Training may extend the number of months of payments under subparagraph (A) to adjust the amount of such payments, but the aggregate amount paid with respect to such veteran may not exceed $20,000 and the maximum number of months of such payments may not exceed 24 months.

"(4) Payments under this section shall be made on a quarterly basis.

"(5) Each employer providing a program of apprenticeship or on-the-job training pursuant to this section shall submit to the Assistant Secretary of Labor for Veterans' Employment and Training on a quarterly basis a report certifying the wages paid to eligible veterans under such program (which shall be certified by the veteran as being correct) and containing a description of activities carried out under this section in the annual report prepared submitted under section 5902 of this title.

"(f) TERMINATION.—The authority to carry out a program under this section shall terminate on September 30, 2016.

"(g) REPORTING.—The Secretary of Veterans Affairs, in coordination with the Assistant Secretary of Labor for Veterans' Employment and Training, shall include a description of activities carried out under this section in the annual report prepared submitted under section 5902 of this title.

"(2) By inserting before the period at the end of subsection (a) the following new paragraph:

"(5) Each employer providing a program of apprenticeship or on-the-job training pursuant to this section shall submit to the Assistant Secretary of Labor for Veterans' Employment and Training a quarterly report certifying the wages paid to eligible veterans under such program (which shall be certified by the veteran as being correct) and containing a description of activities carried out under this section in the annual report prepared submitted under section 5902 of this title.

"(3) If the Secretary determines that a claimant is not entitled to a benefit under this program, the Secretary shall notify the claimant of such determination and the reasons therefor.

"(4) For purposes of this section:

"(A) The term 'fully developed claim' means a claim—

"(i) for which the claimant—

"(I) received assistance from a veterans service officer, a State or county veterans service organization, an agent, or an attorney;

"(II) submits, together with the claim, an appropriate indication that the claimant does not intend to submit any additional information or evidence in support of the claim and does not require additional assistance with respect to the claim; and

"(ii) for which the claimant or the claimant's representative, if any, each signs, date, and submits on-standing the following: stating that, as of such date, no additional information or evidence is available or needs to be submitted in order for the claim to be adjudicated.

"(B) The term 'expedited treatment' means, with respect to a claim for benefits under the laws administered by the Secretary, treatment of such claim so that the claim is fully processed and adjudicated within 90 days after the Secretary receives an application for such claim.

"(c) TERMINATION.—The authority to carry out the program established under this section shall terminate on September 30, 2016.

"(d) REPORTING.—The Secretary of Veterans Affairs, in coordination with the Assistant Secretary of Labor for Veterans' Employment and Training, shall include a description of activities carried out under this section in the annual report prepared submitted under section 5902 of this title.

"(e) TERMINATION.—The authority to carry out the program established under this section shall terminate on September 30, 2016.

"(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to claims submitted on or after the date of the enactment of this Act.

SEC. 3. WAIVER OF CLAIM DEVELOPMENT PERIOD FOR CLAIMS UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 5101 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) If a claimant submits to the Secretary a claim that the Secretary determines is a fully developed claim, the Secretary shall provide—

"(A) the claimant with the opportunity to waive any claim development period otherwise made available by the Secretary with respect to such claim; and

"(B) expedited treatment to such claim.

"(2) If a person submits to the Secretary any written notification sufficient to inform the Secretary that the person plans to submit a fully developed claim and, not later than one year after submitting such notification, the Secretary shall provide the claimant a statement that the Secretary determines is a fully developed claim, the Secretary shall provide expeditious treatment to the claim.

"(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.
SEC. 5. EXCLUSION OF CERTAIN AMOUNTS FROM DETERMINATION OF ANNUAL INCOME WITH RESPECT TO PENSIONS FOR VETERANS AND SURVIVING SPOUSES AND CHILDREN OF VETERANS.

(a) CERTAIN AMOUNTS PAID FOR REIMBURSEMENTS AND FOR PAIN AND SUFFERING.—Paragraph (5) of section 1503(a) of title 38, United States Code, is amended to read as follows:

“(5) payments regarding—

(A) reimbursements of any kind (including insurance settlement payments) for—

(1) expenses related to the repayment, replacement, or repair of equipment, vehicles, items, money, or property resulting from—

(I) any accident (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subparagraph shall not exceed the greater of the fair market value or reasonable replacement value of the equipment or vehicle involved at the time immediately preceding the accident;

(II) any theft or loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subparagraph shall not exceed the greater of the fair market value or reasonable replacement value of the item or the amount of the money (including legal tender of the United States or of a foreign country) involved at the time immediately preceding the theft or loss; or

(III) any casualty loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subparagraph shall not exceed the greater of the fair market value or reasonable replacement value of the property involved at the time immediately preceding the casualty loss; and

(B) medical expenses resulting from any accident, theft, loss, or casualty loss (as defined in regulations which the Secretary shall prescribe), but the amount excluded under this subparagraph shall not exceed the costs of medical care provided to the victim of the accident, theft, loss, or casualty loss; and

(2) pain and suffering (including insurance settlement payments and general damages awarded by a court) related to an accident, theft, loss, or casualty loss, but the amount excluded under this subparagraph shall not exceed an amount determined by the Secretary on a case-by-case basis;”.

(b) ADMINISTRATION.—The Secretary shall establish a process for the administration of the award program, including criteria for—

(1) categories and sectors of businesses eligible for recognition each year; and

(2) objective measures to be used in selecting businesses to receive the award.

(c) VETERAN DEFINED.—In this section, the term "veteran" means an individual who—

(1) served in the Armed Forces; and

(2) has a discharge characterized by the Secretary as honorable, except that the term shall not include an individual discharges under chapter 128 or 129 of title 38, United States Code.

SEC. 6. EXTENSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO DETERMINE INCOME INFORMATION FROM OTHER AGENCIES.

Section 5317 of title 38, United States Code, is amended by striking “September 30, 2011” and inserting “September 28, 2012”.

SEC. 7. VETERAN AWARD PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Veterans Affairs shall establish an award program, to be known as the “VetStar Award Program”, to recognize businesses for their contributions to veterans’ employment.

(b) ADMINISTRATION.—The Secretary shall establish a process for the administration of the award program, including criteria for—

(1) categories and sectors of businesses eligible for recognition each year; and

(2) objective measures to be used in selecting businesses to receive the award.

(c) VETERAN DEFINED.—In this section, the term “veteran” means an individual who—

(1) served in the Armed Forces; and

(2) has a discharge characterized by the Secretary as honorable, except that the term shall not include an individual discharges under chapter 128 or 129 of title 38, United States Code.

SEC. 8. INCREASE IN AMOUNT OF PENSION FOR MÉDAL OF HONOR RECIPIENTS.

Section 1502(a)(1) of title 38, United States Code, is amended by striking “$1,000” and inserting “$2,000”.


The budgetary effects of this Act, for the purpose of complying with the Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the request of the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6132, as amended.

The SPEAKER pro tempore. Pursuant to the request of the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill, H.R. 6132.

Once again, this attacks a part of the employment problem that I mentioned earlier, and many members of our committee worked on this. Not only Chairwoman Hershel, but the Subcommittee on Economic Opportunity but its ranking member, Mr. BOOZMAN, plus our colleagues Mr. WELCH from Vermont and Mr. TEAGUE from New Mexico. It again helps our veterans find jobs. And Congressman DONNELLY from Indiana, Congressman ADLER from New Jersey, and Congressman HASTINGS of Florida all contributed to this, along with Chairman HALL of the Disability Assistance Subcommittee and his Ranking Member LAMBORN of Colorado.

I reserve the balance of my time.

Mr. BUYER. I yield myself such time as I may consume.

Mr. Speaker, you are moving fast today. Had I known, I would have been here for the first bill. And I am serious about that comment. You have to give us adequate time to get to the floor so we can respond to the bills.

Mr. Speaker, you are moving fast today. Had I known, I would have been here for the first bill. And I am serious about that comment. You have to give us adequate time to get to the floor so we can respond to the bills.

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Mr. Speaker, you are moving fast today. Had I known, I would have been here for the first bill. And I am serious about that comment. You have to give us adequate time to get to the floor so we can respond to the bills.
is the Veterans Benefits and Economic Welfare Improvement Act of 2010. It is a bipartisan, omnibus veterans benefits bill that includes many provisions that help veterans and their families.

H.R. 6132 will assist transitioning service members by creating a new program through the Veterans Employment and Training Service to assist unemployed veterans who are not eligible for other VA education programs by creating a new on-the-job training and apprenticeship program.

The bill also codifies programs that the VA is currently using to transform its disability claims processing system and provide veterans the right to equitable tolling when a claim reaches the Board of Veterans’ Claims.

The bill would assist pensioners by excluding the repayment of medical expenses or medical insurance awards or settlements from the veteran’s annual income when determining their pension amount.

I am also pleased and also appreciate the chairman’s supporting of the provision by the ranking member, Henry Brown. The Subcommittee on Economic Opportunity was also successful at the full committee markup of this bill in adding a provision that would have protected the veteran’s Second Amendment right to bear arms. His amendment would have prevented veterans from losing this right without a judicial decision or due process. The amendment was agreed to by voice vote.

The provision was supported by the American Legion, AMVETS, the Veterans of Foreign Wars, the National Alliance on Mental Illness, the NRA, and the Gun Owners of America. Chairman Filner, and also members of the House Committee on Veterans’ Affairs, for their support of our men and women who have served on the battlefield.

Mr. Speaker, this bill incorporates language from H.R. 5549, the Rating and Processing Individuals’ Disability Claims (RAPID) Act, which I have cosponsored. I thank Chairman Filner for including this language in H.R. 6132 and I thank the gentleman from Indiana, Mr. Joe Donnelly, for his leadership on the RAPID provision, which adds more accountability and transparency to the process by which the Secretary of Veterans’ Affairs (VA) reviews veterans’ disability claims.

In addition to the language on disability claims, H.R. 6132 also directs the Secretary of Veterans Affairs and the Assistant Secretary of Labor for Veterans’ Employment and Training to carry out a joint training program to assist veterans in acquiring critical skills that are in high demand. By the time when opportunities are limited, the program provided for under this bill will help our veterans compete in the job market.

Veterans across the nation are facing many challenges as they assimilate back into a civilian lifestyle. Our veterans from Operation Enduring Freedom and Operation Iraqi Freedom have experienced greater frequency of deployment, increased mental health problem, and strains on their families that continue long after they return from war.

These immense challenges are even more daunting when opportunities are limited. It is fitting that Congress works towards helping these brave men and women who risked their lives for our freedom.

I urge my colleagues to support and pass the Veterans Benefits and Economic Welfare Improvement Act.

Mr. Donnelly of Indiana, Mr. Speaker, I rise today to speak in support of H.R. 6132, the Veterans Benefits and Economic Welfare Improvement Act. This bill combines several provisions before us today take an important step toward providing better employment assistance to those who have bravely served our country.

These provisions reduce from 3 to 18 months the period during which Disabled Veterans’ Outreach Program (DVOP) specialists under Veterans Employment and Reemployment Services (LVER) with the Department of Labor (DOL) must complete the specialized veterans employment training program provided by the National Veterans’ Training Institute (NVTI).

Through several Economic Opportunity Subcommittee hearings and engaged during the 110th Congress, I learned it was taking, on average, 2.5 years before DOL veterans employment specialists were completing the NVTI program. This leaves untrained specialists who don’t have the necessary skills trying to help veterans with their employment needs, and this bill helps correct that situation.

I am proud to have worked with the Iraq and Afghanistan Veterans of America and the Disabled American Veterans in crafting this legislation, as well as 60 bipartisan colleagues who supported me.

Ms. Herseth Sandlin, Mr. Speaker, I urge my colleagues to support H.R. 6132, the Veterans Benefits and Economic Welfare Improvement Act of 2010, which the Veterans Affairs Committee approved with bipartisan support on September 15th.

I would like to thank Veterans Affairs Chairman Filner for his leadership in introducing H.R. 6132, as well as the support and leadership of Ranking Member Buyer.

I am proud to be an original cosponsor of this legislation, which contains a number of important provisions that will directly improve the lives of veterans and the services available to those veterans and their families. In addition to the provisions above, there are four bills that I originally introduced. All four of these bills—H.R. 1088, H.R. 1089, H.R. 2461, and H.R. 1037—have previously passed the House, and I am pleased they have been included in this legislation.

H.R. 1089, the Veterans Employment Rights Realignment Act, originally passed the House without opposition by a vote of 423 to 0 on May 19, 2009. The provisions before us today create a three-year demonstration project to move the enforcement of the Uniformed Services Employment and Reemployment Rights Act (USERRA) protections of veterans and members of the Armed Services employed by Federal executive agencies to the U.S. Office of Special Counsel (OSC).

Under a previous demonstration project established by Public Law 108–454, OSC investigated some federal sector USERRA claims from 2004 to 2007. This demonstration project showed that the OSC had the expertise and ability to quickly obtain corrective action for federal unemployed veterans, and that success warranted a further continuation of this study.

H.R. 1088, the Mandatory Veteran Specialist Training Act, originally passed the House by voice vote on May 19, 2009. The provisions before us today take an important step toward providing better employment assistance to those who have bravely served their country.

These provisions reduce from 3 to 18 months the period during which Disabled Veterans’ Outreach Program (DVOP) specialists under Veterans Employment and Reemployment Services (LVER) with the Department of Labor (DOL) must complete the specialized veterans employment training program provided by the National Veterans’ Training Institute (NVTI).

Through several Economic Opportunity Subcommittee hearings and engaged during the 110th Congress, I learned it was taking, on average, 2.5 years before DOL veterans employment specialists were completing the NVTI program. This leaves untrained specialists who don’t have the necessary skills trying to help veterans with their employment needs, and this bill helps correct that situation.

H.R. 2461, the Veterans Small Business Verification Act, passed the House as part of
H.R. 3949 with overwhelming bipartisan support on November 3, 2009. The provisions before us today clarify the responsibility of the Secretary of Veterans Affairs to verify the veteran status of owners of small businesses listed in the VetBiz Vendor Information Pages database. Furthermore, it requires that the VA notify owners if they are no longer eligible to receive insurance compensation, the database of the need to verify their status.

The Economic Opportunity Subcommittee learned through hearings, and meetings with VA staff and the veterans community that the database contained firms that didn’t qualify because of the process was voluntary. Since firms registered in the database can qualify to receive set-aside or sole-source awards, this new legislation will help ensure our veterans are afforded the small business opportunities they are due.

H.R. 1037, the Pilot College Work Study Programs for Veterans Act of 2009, originally passed the House on July 14, 2009 without opposition by a vote of 422 to 0. The provisions before us today improve the educational benefits available to our country’s veterans by expanding the number of work-study activities available to veterans receiving educational benefits through the VA.

Currently, eligible student veterans enrolled in college degree programs, vocational programs or professional programs are eligible to participate in VA work-study allowances program. However, they are limited to positions involving VA related work, such as processing VA paperwork, performing outreach services, and assisting staff at medical facilities or the offices of the National Cemetery Administration.

This legislation both reauthorizes the work-study program for 3 additional years and expands the list of qualifying work-study activities to include positions with State veterans agencies, Centers for Excellence for Veterans Student Success and other veterans-related positions at institutions of higher learning.

Given the wide variety of tasks our men and women in uniform perform while serving their country, our Nation should be capitalizing on the unique training and skill sets that veterans who are pursuing higher degrees bring to their educational institutions.

In conclusion, H.R. 6132 takes a number of important steps toward helping veterans who have bravely served their country. I urge my colleagues to support H.R. 6132.

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong support of H.R. 6132, the Veterans Benefits and Economic Welfare Improvement Act of 2010. This important legislation extends much-needed improvements to benefits and services for our Nation’s veterans, who deserve the best we can offer. This legislation makes a number of critical corrections and updates to streamline services, expedite benefits, and ensure that veterans can take advantage of educational and vocational training opportunities to develop skills relevant to today’s job market.

I am extremely pleased that the underlying legislation includes my bill, H.R. 4541, the Veterans Pensions Protection Act of 2010. This legislation protects veterans from losing their pension benefits because they received payments to cover expenses incurred after an accident for which they are not liable.

Under current law, if a veteran is seriously injured in an accident or is the victim of a theft and receives insurance compensation, he or she may lose their pension if the money exceeds the income limit set by the VA. This means that the law effectively punishes veterans when they suffer from such an accident or theft.

Such a tragedy happened to one of my constituents, a Navy veteran with muscular dystrophy who was hit by a car while crossing the street in his wheelchair. His pension was abruptly cut off after he received an insurance settlement payment to cover medical expenses for himself and his service dog, and material expenses to replace his wheelchair. As a result, he could not cover his daily expenses and mortgage payments and almost lost his home. This is unacceptable.

The Veterans Pensions Protection Act exempts the reimbursement of expenses related to accidents, theft, loss or casualty from being included into the determination of a veteran’s income.

I want to thank Chairman BOB FILER as well as Subcommittee Chairman JOHN HALL and Ranking Member DOUG LAMBORN for their support on this issue.

Mr. Speaker, at a time when our Nation’s service men and women are fighting two wars abroad and engaged in action in other parts of the world, we have a duty to our past, present, and future veterans to provide the very best in health care, job training, housing assistance, educational opportunities, and other services and benefits. We owe our veterans an enormous debt, and cannot thank them enough for their service. I urge my colleagues to give their unanimous support to this legislation.

Mr. BUYER. I yield back the balance of my time.

Mr. FILER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, H.R. 6132, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REQUIRING HYPERLINK TO VETSUCCESS WEBSITE.

Mr. FILER. Mr. Speaker. I move to suspend the rules and pass the bill (H.R. 3685) to require the Secretary of Veterans Affairs to include on the main page of the Internet site of the Department of Veterans Affairs a hyperlink to the VetSuccess Internet website and to publicize such Internet website.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3685
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. PROMOTION OF THE VETSUCCESS INTERNET WEBSITE.

(a) INCLUSION OF HYPERLINK.—Not later than 60 days after the date of enactment of this Act, the Secretary of Veterans Affairs shall include on the main page of the Internet website of the Department of Veterans Affairs a new hyperlink with a drop-down menu entitled ‘‘Veterans Employment’’. The drop-down menu shall include a direct hyperlink to the VetSuccess Internet website, the USA Jobs Internet website, the Job Central website, and any other appropriate employment Internet websites, as determined by the Secretary.

(b) ADVERTISEMENT OF INTERNET WEBSITE.—Subject to the availability of appropriations for such purpose, the Secretary of Veterans Affairs shall, in accordance with section 532 of title 38, United States Code, purchase advertising in national media outlets to promote the VetSuccess Internet website.

(c) OUTREACH TO VETERANS OF OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.—The Secretary of Veterans Affairs shall conduct outreach to veterans of Operation Iraqi Freedom and Operation Enduring Freedom to inform such veterans of the VetSuccess Internet website.

(d) VETSUCCESS INTERNET WEBSITE DEFINITION.—In this section, the term ‘‘VetSuccess Internet website’’ means www.vetsuccess.gov or any successor Internet website maintained by the Department of Veterans Affairs.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank Congressman CLIFF STEARNS of Florida for introducing this bill, which seeks to include an important link to the VetSuccess program on the home page of the Department of Veterans Affairs’ Web site. Like the other two bills before us today, it helps those veterans seeking employment.

I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3685, which was introduced by my good friend, the deputy ranking member of the Committee on Veterans Affairs, CLIFF STEARNS of Florida.

This bill would make it easier to find employment opportunities in their area and promote the VetSuccess Web site.

I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS) to discuss his legislation.

Mr. STEARNS. Mr. Speaker, I thank the distinguished ranking member, and I also thank Chairman FILER for allowing this bill to come to the floor.

My colleagues, today unemployment continues to be record high, particularly in my congressional district. In
my hometown, it is 14.5 percent, and the unemployment rate in the veterans community is even higher. It is higher than I think many of us can ever remember.

So my bill, H.R. 3685, would simply require the Department of Veterans Affairs to have a drop-down menu entitled “Veterans Employment” on its home page. This drop menu would have links to VetSuccess, USA Jobs, Job Central and other appropriate employment sites. It would also require the Secretary of VA to advertise and promote the VetSuccess Web site and require direct outreach to veterans of Operation Iraqi Freedom and Operation Enduring Freedom.

This bill comes out of many discussions I have had with the VA over the past couple of years. And while the VA has expressed some of my concerns, they continue to miss what I believe is the underlying reason for the bill—consumer service and usability.

The VA should have a clear link that will take veterans to a listing of jobs based simply on zip code. Today, if you’re a veteran and you’re looking for a job, whether it is in the private sector or within the United States Government, it can be a daunting task. The VA should not make it harder to use their job searching services to help find a job, but make it easier.

For example, when you go to the VA home page under quick links, under “Federal Veterans,” this is close to what I want, but private sector jobs are not listed since it only lists Federal jobs and completely omits private sector jobs. To find private sector jobs on this site, you have to click on the Veteran Service drop-down menu and navigate 28 possible links and somehow know that VetSuccess is the proper link while you’re doing all these 28 links. There’s no simple link for Veteran Employment or Veteran Jobs. Instead, you need to know that the VetSuccess program is what you’re looking for.

If you’re unfamiliar with veterans programs, you may not know that VetSuccess is the web portal for private sector jobs. The title, VetSuccess, isn’t even clear in this title. VetSuccess might be the link for successful navigation of the Veterans Affairs bureaucracy. The title should clearly mention jobs or employment to make it easier.

Then, my colleagues, once you get to the VetSuccess web page, you must register to look up jobs. You can’t just type in your zip code and get a list of jobs. My office had to fill out an excessively long form and then monitor our spam filters to catch the authentication e-mail verifying that we signed up. And then we waited for a follow-up e-mail to get our password verified that we signed up. And then we waited for a follow-up e-mail verifying that we signed up and then we waited for a follow-up e-mail to get our password verified that we signed up and then we waited for a follow-up e-mail verifying that we signed up. And then we waited for a follow-up e-mail verifying that we signed up. And then we waited for a follow-up e-mail verifying that we signed up.

But when I went to Monster.com, the private side, I don’t need to register to do a quick lookup for the 240 jobs that were listed within 20 miles of my hometown. VetSuccess needs to be more like Monster: immediate access to job listings by zip code without hiding behind vague titles and a crowded drop menu with excessive registration requirement.

The purpose of my bill, my colleagues, is to get the VA thinking about how they should properly address the need for veterans, provide good customer service, and lower the barriers to get this information. This type of employment information should be easy to locate and provide plain, simple language on the VA’s home page and the VetSuccess program should provide these job listings without making veterans jump through so many hoops.

So, with that in mind, Mr. BUYER, I want to thank you and thank Mr. Fincher, the chairman, for allowing this bill to come forward. I hope my colleagues will vote in the affirmative.

Today, unemployment continues to be a record high. In the State of Florida the unemployment rate is over 10 percent. In my hometown of Ocala, it is over 14 percent. It can be a daunting task finding a job for a civilian. It can be even harder to find a job if you are a Guard or Reservist returning from deployment or a veteran just exiting the service. The unemployment rate in the veteran’s community is higher than at any time that I remember.

The VA has created a Job portal to help veterans develop their resume and hunt for jobs. Unfortunately, like many government run programs, they built a program without thinking about this one important customer. Even worse, the VetSuccess program should provide these job listings without making veterans jump through so many hoops.

So, with that in mind, Mr. BUYER, I want to thank you and thank Mr. Fincher, the chairman, for allowing this bill to come forward. I hope my colleagues will vote in the affirmative.

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The VA has created a Job portal to help veterans develop their resume and hunt for jobs. Unfortunately, like many government run programs, they built a program without thinking about this one important customer. Even worse, the VetSuccess program should provide these job listings without making veterans jump through so many hoops.

The purpose of my bill is to get the VA thinking about how they should properly address the needs of Veterans, provide good customer service and lower the barriers to information. This type of employment information should be easily accessible in plain language on the VA’s homepage and the VetSuccess program should provide these job listings without making veterans jump through so many hoops.

A March 13, 2010 Washington Post article stated that 21.1 percent of veterans age 18–24 are unemployed in this nation. These numbers are far above the standard unemployment rate for the nation or for individuals of similar ages. Many of these veterans are members of the National Guard and reserves who have deployed multiple times. In 2008, the unemployment rate among veterans in that age group was 14 percent, lower than today’s veteran unemployment but still above the national average.

According to the Bureau of Labor & Statistics March 2010 report, the average unemployment rate for veterans over all eras is 8.1 percent. The unemployment rate for all veterans in 2009 was 10.2 percent.

Mr. BUYER, Reclaiming my time, Mr. Speaker, I want to congratulate the gentleman from Florida on his legislation. He’s worked hard on it. As you can tell, he has put a lot of time and effort into this. The only thing I would add is that it’s not just veterans—those who have been recently discharged from the military. We also have guardsmen and reservists who are returning. We just had a brigade return
from Tennessee. Of this brigade that has just returned from a theater of war, 40 percent do not have jobs waiting on them. Think about that. Forty percent of those just now coming back from a theater of war don’t have a job waiting on them. And it is not just the veterans who have served the Nation many years ago. It is those who are returning who are still active guardsmen and reservists, yet now they don’t have that job to come back to. We had better be leaning forward on this one.

Mr. STEARNS. I want to thank you for your legislation. I want to thank the chairman for supporting the legislation.

I urge all Members to support H.R. 3685.

I yield back the balance of my time.

Mr. FILNER. I urge my colleagues to unanimously support H.R. 3685, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 3685.

The question was taken; and (two-thirds being in the affirmative) the House passed the bill by a vote of 321-00-00.

Mr. STEARNS. I thank the Chair for recognizing me.

Mr. Speaker, I yield the balance of my time.

Mr. Speaker, I yield back the balance of my time.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3787, as amended.

Mr. Speaker, I ask unanimous consent that the Chair be empowered to arrange for a roll call vote on H.R. 3787, as amended.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3787, as amended.

Mr. Speaker, I urge all Members to support H.R. 3787, as amended. I congratulate the former Sergeant Major on a job well done.

Mr. Speaker, I yield back the balance of my time.

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Mr. Speaker, I urge all Members to support H.R. 3787, as amended. I congratulate the former Sergeant Major on a job well done.

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counselors and vocational rehabilitation employment coordinators employed by the Department of Veterans Affairs.

The Clerk read the title of the bill. The text of the bill is as follows:

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

SECTION 1. QUALIFICATIONS FOR VOCATIONAL REHABILITATION COUNSELORS AND VOCATIONAL REHABILITATION EMPLOYMENT COORDINATORS EMPLOYED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) In General.—Chapter 31 of title 38, United States Code, is amended by adding at the end the following new section: "§ 3123. Qualifications for vocational rehabilitation counselors and vocational rehabilitation employment coordinators

"(a) VOCATIONAL REHABILITATION COUNSELORS.—Each individual employed by the Department as a vocational rehabilitation counselor shall—

"(1) have completed a masters degree in vocational rehabilitation counseling before being so employed;

"(2) by not later than five years after the individual is first so employed, obtain certification by an accredited certifying body recognized by the National Commission for Certifying Agencies; and

"(3) as a condition of continued employment, maintain such certification.

"(b) VOCATIONAL REHABILITATION EMPLOYMENT COORDINATORS.—Each individual employed by the Department as a vocational rehabilitation employment coordinator shall—

"(1) have completed a bachelors degree in the relevant field, as designated by the Secretary, before being so employed;

"(2) by not later than five years after the individual is first so employed, obtain certification by an accredited certifying body recognized by the National Commission for Certifying Agencies; and

"(3) as a condition of continued employment, maintain such certification.

"(c) REMEDIATION PLAN.—If an individual employed by the Department as a vocational rehabilitation counselor or as a vocational rehabilitation employment coordinator fails to meet the standards required by subsection (a) or (b), the Director of the Vocational Rehabilitation and Employment Service shall develop a remediation plan for such individual. If the individual fails to complete the remediation plan, such failure shall be cause for termination.

(c) APPLICABILITY.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3123. Qualifications for vocational rehabilitation counselors and vocational rehabilitation employment coordinators."

(c) APPLICABILITY.—

(1) IN GENERAL.—Section 3123 of title 38, United States Code, as added by subsection (a), shall apply with respect to an individual hired by the Department before the date of the enactment of this Act.

(2) INDIVIDUALS HIRED BEFORE DATE OF ENACTMENT.—In the case of an individual hired before the date of the enactment of this Act, subsection (a) shall apply only to the extent that such individual had, before being so employed, met the standards required by such subsection (a) as in effect on the date of the enactment of this Act.

(b) table.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: "3123. Qualifications for vocational rehabilitation counselors and vocational rehabilitation employment coordinators."

(c) APPLICABILITY.—

(1) IN GENERAL.—Section 3123 of title 38, United States Code, as added by subsection (a), shall apply with respect to an individual hired by the Department before the date of the enactment of this Act.

(2) INDIVIDUALS HIRED BEFORE DATE OF ENACTMENT.—In the case of an individual hired as a vocational rehabilitation counselor or as a vocational rehabilitation employment coordinator by the Department of Veterans Affairs before the date of the enactment of this Act, such individual would have been required to have the qualifications described in section 3123 of title 38, United States Code, as added by subsection (a), for the position held by the individual by not later than five years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL I HAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members of the House be permitted to introduce the text of the bill in the following manner:

"(c) APPLICABILITY.—

(1) IN GENERAL.—Section 3123 of title 38, United States Code, as added by subsection (a), shall apply with respect to an individual hired by the Department before the date of the enactment of this Act.

(2) INDIVIDUALS HIRED BEFORE DATE OF ENACTMENT.—In the case of an individual hired before the date of the enactment of this Act, subsection (a) shall apply only to the extent that such individual had, before being so employed, met the standards required by such subsection (a) as in effect on the date of the enactment of this Act.

(c) APPLICABILITY.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3123. Qualifications for vocational rehabilitation counselors and vocational rehabilitation employment coordinators

(a) VOCATIONAL REHABILITATION COUNSELORS.—Each individual employed by the Department as a vocational rehabilitation counselor shall—

"(1) have completed a masters degree in vocational rehabilitation counseling before being so employed;

"(2) by not later than five years after the individual is first so employed, obtain certification by an accredited certifying body recognized by the National Commission for Certifying Agencies; and

"(3) as a condition of continued employment, maintain such certification.

"(b) VOCATIONAL REHABILITATION EMPLOYMENT COORDINATORS.—Each individual employed by the Department as a vocational rehabilitation employment coordinator shall—

"(1) have completed a bachelors degree in the relevant field, as designated by the Secretary, before being so employed;

"(2) by not later than five years after the individual is first so employed, obtain certification by an accredited certifying body recognized by the National Commission for Certifying Agencies; and

"(3) as a condition of continued employment, maintain such certification.

"(c) REMEDIATION PLAN.—If an individual employed by the Department as a vocational rehabilitation counselor or as a vocational rehabilitation employment coordinator fails to meet the standards required by subsection (a) or (b), the Director of the Vocational Rehabilitation and Employment Service shall develop a remediation plan for such individual. If the individual fails to complete the remediation plan, such failure shall be cause for termination.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5630.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SECURING AMERICA’S VETERANS INSURANCE NEEDS AND GOALS ACT OF 2010

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5993) to amend title 38, United States Code, to ensure that beneficiaries of Servicemembers’ Group Life Insurance receive financial counseling and disclosure information regarding life insurance payments, and to fund other purposes.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 5993

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 “Securing America’s Veterans Insurance Needs and Goals Act of 2010” or the “SAVINGS Act of 2010”.

SEC. 2. FINANCIAL COUNSELING AND DISCLOSURE INFORMATION FOR SERVICEMEMBERS’ GROUP LIFE INSURANCE BENEFICIARIES.

(a) FINANCIAL COUNSELING AND DISCLOSURE INFORMATION.

(1) IN GENERAL.—Section 1966 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(a)(1) FINANCIAL COUNSELING AND DISCLOSURE INFORMATION.—

"(A) make available, both orally and in writing, financial counseling to a beneficiary or other person otherwise entitled to payment under section 1970(a) of this title, and

"(B) at the time that such beneficiary or other person entitled to payment establishes a valid claim under section 1970(a) of this title, provide to such beneficiary or other person the disclosures described in paragraph (2).

The disclosures provided pursuant to paragraph (1)(B) shall—

"(A) be provided both orally and in writing;

"(B) include information with respect to the payment of the claim, including—

"(i) an explanation of the methods available to receive such payment, including—

"(I) receipt of a lump-sum payment;

"(ii) an explanation that any such payment that is maintained by the life insurance company or paid in thirty-six equal monthly installments by the company is not insured by the Federal Deposit Insurance Corporation;

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 5630.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

I urge my colleagues to support H.R. 5630, and I yield back the balance of my time.

Mr. FILNER. I yield back the balance of my time.
This bill was sponsored by one of our esteemed colleagues, Representative DEBBIE HALVORSON of Illinois, to ensure that beneficiaries of the Service-members’ Group Life Insurance, SGLI, receive financial counseling, greater disclosure information and other appropriate information and financial counseling to survivors who received the disclosures under paragraph (1)(A); and (2) R EGULATIONS.—The Secretary of Veterans Affairs shall prescribe regulations to carry out section 321 of such title as amended—

(1) The Office; and

(b) by adding at the end the following:

(1) ADVISORY ROLE.—Subsection (b) of section 321 of such title is amended—

(A) by striking “The Office” and inserting “(1) The Office”;

(B) by adding at the end the following:

(2) In carrying out paragraph (1), the Secretary shall ensure that the Office has the personnel necessary to serve as a resource to provide the advice described in paragraph (1) and (2) of subsection (a) with information on how to receive the Servicemembers’ Group Life Insurance financial counseling pursuant to section 1986(c)(1) of such title.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 5993, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5993, the Securing America’s Veterans Insurance Needs and Goals, or SAVINGS, Act.

Unfortunately, there have been recent media reports highlighting that some beneficiaries did not fully understand that their money was being held in these accounts. I know I was outraged, as many of my colleagues were, to hear about the lack of disclosure and transparency that is what we are fixing today—addressing disclosure, transparency and accountability so that our families know exactly what they have coming to them. They didn’t understand what these accounts were, what was happening to their money and most important, that these accounts were not FDIC-insured. This left the beneficiaries feeling as though they were being taken advantage of and that they were part of a financial scheme buried behind.

Today we are strictly focused on disclosing, transparency, financial counseling, and oversight. And make no mistake, we need to do more work on improving the SGLI program. I think most of us are aware of what that is, and that is being done through investigations, through the VA, and through other committees of jurisdiction, but we can’t wait. Our military families can’t wait. The families of our fallen soldiers cannot wait.

Today, we have the opportunity to move forward on an important protection for our military families, and this
Chairman Bob Filner, Chairman, House Committee on Veterans’ Affairs, Cannon House Office Building, Washington, DC.

In light of recent news that insurance companies could potentially use group life insurance policies to profit from accounts it maintains for the families of fallen soldiers, Gold Star Wives of America, Inc. supports H.R. 5993. H.R. 5993 would ensure that insurance companies authorized by VA to administer the Servicemembers’ Group Life Insurance (SGLI) program involve more disclosure and honesty about their practices for these policies on which so many servicemembers rely to ensure financial security for their families.

H.R. 5993, the Securing America’s Veterans Insurance Needs and Goals (SAVINGS) Act of 2010, introduced by Representative Debbie Halvorson, would mandate that the Secretary of Veterans Affairs require insurance companies that provide coverage through the Servicemembers’ Group Life Insurance (SGLI) program, to offer financial counseling and improved disclosure information to family members and survivors of fallen soldiers. It would also require an annual report to Congress by VA to ensure that insurance companies are being responsive to military families and survivors and that the Office of Survivor Assistance will be a greater resource in this effort.

It is critical that the options and information available for survivors offered under the SGLI program involve more disclosure and greater transparency. H.R. 5993 would do that by guaranteeing that survivors of our fallen heroes have access to oral and written financial counseling. This greater disclosure requirements and counseling would better help survivors to understand their options so that they can make sound decisions during a stressful and harrowing period.

Gold Star Wives of America, Inc. supports H.R. 5993 so that we can do everything in our power to protect the families and survivors of our fallen soldiers. Their loved ones have answered the call and their survivors deserve these protections.

Respectfully,

MARTHA M. DIDAMO, Board Chair, Gold Star Wives of America, Inc.

The American Legion, Office of the National Commander, Washington, DC, September 27, 2010.

Hon. Deborah L. Halvorson, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE HALVORSON: In light of recent news that insurance companies contracted by the Department of Veterans Affairs to administer Servicemembers’ Group Life Insurance program (SGLI) could potentially use group life insurance policies to obtain profits from the families of fallen soldiers, The American Legion supports proposed legislation which seeks to ensure that insurance companies are open and honest about the policies on which so many military families rely. The legislation you recently introduced, H.R. 5993, would mandate the Secretary of Veterans’ Affairs to require insurance companies providing coverage through the SGLI program to provide the beneficiaries of fallen soldiers with financial counseling and disclosure information. In addition, the VA would provide a report to Congress annually to ensure that these insurance companies are being responsive to military families. It is critical to insure complete transparency, full disclosure, and increased information be afforded to military families on insurance matters. This legislation would guarantee the families of our fallen heroes have access to oral and written financial counseling. This counseling would better help family members understand their options so that they can make sound fiscal decisions during a stressful and harrowing period.

The American Legion supports H.R. 5993 as introduced so that we can protect the military families of fallen soldiers. However, The American Legion has additional concerns not addressed in the original bill which are equally as important.

This legislation does not address Retained Asset Accounts (RAA) for disbursement of benefits. This is a common practice used by many insurers for distribution of benefits. However, The American Legion is concerned this method of disbursement may be a violation of Title 38 USC § 1970(d) which requires payments be in 36 monthly installments or one lump sum. The practice should be either stopped or the law needs to be changed. Of further concern to The American Legion is that this legislation does not address the practice of the insurance company executing the program making a profit on the account after the death of a service member and actually misrepresenting or over representing the “interest bearing account,” benefit of the program to a payee.

It is standard policy of the insurance industry to reinvest the money not withdrawn by the payee and to collect interest on that money. The insurer then passes on the payee a small amount of the interest. While this is a common practice, it is never disclosed to the beneficiary. The legal and a common industry practice, it should be forbidden by law in the case of military members who have given their lives for the nation. Precedence has been made in setting aside and setting aside a percentage of the case of health care insurance and other entitlements due to military service. The American Legion feels that ALL interest received on investments after servicemember’s death should be passed on to the payee of the policy.

Sincerely,

JIMMIE L. FOSTER, National Commander.


Hon. Deborah L. Halvorson, House of Representatives, Washington, DC.

Dear Representative Halvorson: The National Military Family Association has been an advocate for improving the quality of life of our military family members, who have sacrificed greatly in support of our Nation. We are writing today in support of H.R. 5993 which seeks to ensure that insurance companies provide appropriate information and financial counseling to survivors who receive payments from the Servicemembers’ Group Life Insurance (SGLI).

H.R. 5993, the Securing America’s Veterans Insurance Needs and Goals (SAVINGS) Act, which you have introduced, would mandate that the Secretary of Veterans’ Affairs (VA) require insurance companies providing coverage through the SGLI program to provide financial counseling and disclosure information to family members of fallen soldiers. It would also require an annual report to Congress by the VA to make certain insurance companies are being responsive to military families.

It is critical that these insurance policies provide more transparency to our fallen heroes, their families, and more information for military families. H.R. 5993 does that by guaranteeing the families of our fallen heroes access to oral and written financial counseling and counseling would assist family members in understanding their options so that they can make sound fiscal decisions during a most stressful time.

Thank you again for your support of our service members, retirees, veterans, their families, and survivors. Our contact, should you have any questions, is Kathleen Moakler, Government Relations Director, at KMaoke@MilitaryFamily.org or 703.831.6632.

The National Military Family Association is a non-profit organization representing the families of fallen military members. Our over 40 years of service and accomplishments have made us a trusted resource for families and the Nation’s leaders. As the only non-profit organization that represents the families of the Army, Navy, Air Force, Marine Corps, Coast Guard, and the Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration, the Association protects benefits vital to all families, including those of the deployed, wounded, and fallen.

Sincerely,

MARY SCOTT, Chairman, Board of Governors.

Mr. BUYER. Mr. Speaker, at this time, I guess I thank the gentlelady. Within a day of the publicity that surrounded Prudential apparently not giving sufficient information, you had this bill. You moved very quickly and very decisively to get the bill out of committee and now to the floor. I am pleased to stand with the survivors and their families. Thank you so much for your quick action.

I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I rise in opposition, opposition to this bill.

For that very moment, the chairman compliments the gentlelady for having legislation immediately upon a concern. It is so much like an American. We don’t even have the patience to figure out where the secretlies are but let me tell you about our solution.

Now, what we’re supposed to do around this place is do a little homework, do a little investigation, find out what’s going on, have the distillation of the facts, find out what the facts are in the case place, and let’s run out there and act like we are “doing something” when we don’t even know what the heck we’re doing. It’s the reason the American people get upset with us and they get upset with this institution; especially now when you get so close to an election, you have to protect and guard yourself against politics over substance.
This bill, by forcing it onto the floor at this moment in time, is exactly that. This bill condones a controversial practice the VA called retained asset, or alliance accounts, for paying Servicemembers’ Group Life Insurance, SGLI, proceeds to the families of deceased Servicemembers. Now, I thought that the statute was being followed. It wasn’t. Someone years ago down at the VA changed it.

In the Veterans’ Affairs Committee, we have not had adequate time to address this bill. There’s no record on which we base and form policy decision or evaluate the views of the life insurance experts. None of us had the opportunity to do that.

One of the executives from Prudential came by the office. We had a very good discussion about relevant concerns I can address a little bit later. The use of these accounts in place of the SGLI lump sum payment called for in the Federal statute is currently the subject of a Federal fraud lawsuit in Boston by five plaintiffs against the Prudential Life Insurance Company. Prudential is the VA’s contractor managing the SGLI program and making the payments. New York’s attorney general has had an investigation of Prudential as well.

My colleagues on the committee know next to nothing about a very complex issue, its history, the controversy surrounding it. Indeed, I would love to have a hearing about it myself before having to even vote on it. I’m learning something new almost every day I deal with this issue. The issue requires careful deliberation by the committee. We should not have to base decisions on media reports in the committee. We should not have to wait until these matters got addressed.

The chairman even spoke about this week we were to have done a hearing on this bill. We get notice on Friday that they want to bring it to the floor. We’re supposed to be doing a hearing on the bill this week before we bring it to the floor. But what’s happening is this body, called Congress, is in a panic.

I yield to the gentlelady.

Ms. FOXX. Well, I think again, we’re seeing that the House Democrats are proving not only that they’ve run out of ideas but they’ve run out of the will to govern. They won’t make a budget. They won’t deal with these impending tax hikes that we’re going to have. I heard you say on the floor a few minutes ago that 40 percent of the reservists are coming back without jobs, and all our friends across the aisle seem to want to do is to get home so they can campaign instead of doing something to remove the uncertainty that’s keeping small businesses from hiring new employees, many of them veterans, many of them reservists coming back.

We’re talking about something about these tax hikes that are looming and provide some certainty for small businesses, and I hope you agree with that.

Mr. BUYER. Reclaiming my time, the challenge before the body is we now have legislation before us which is on an issue which is now being thrown into the courts, and we’ve got a statute that’s not being followed by the executive branch; and it is completely within the rights of Congress to speak, but do we understand what we’ve done? Do we understand the scope and issues at hand? I submit we do not, and we are eagerly rushing something onto the floor. Let me get a little bit further.

My colleague Mrs. HALVORSON argues that this is supposed to change the existing payment authority and does not address the legality of retained asset accounts for SGLI purposes, but I’m also a lawyer, and I respectfully suggest that it may do just that. I am not alone in my concern because I have been talking with other lawyers about my legal analysis of this present challenge. After the markup, one of the representatives of one of the veterans service organizations, of whom I’ve had disagreements with over the years, came up to me and told me that he agreed with the concerns. Members of the committee actually regret that I didn’t offer the amendment to actually strip the bill, and I guess I never thought that this would actually come to the floor until these matters got addressed.

It’s laudable to require the VA to counsel SGLI beneficiaries on their benefits, the payment methods available to them. It’s very clear in the statute, very clear already in the statute, but this bill goes a lot further and specifically requires counseling about something the bill euphemistically calls, when this was written back in the mid-1960s, there is no such thing as a retained asset account.

So what has changed? There is a commonly accepted business practice in America with regard to retained asset accounts. Now, in the latter part of the 1990s, the VA struck an agreement with Prudential then to adopt that business practice. But what they did is they adopted a business practice that is contradictory to the United States Code, and we’re talking about the present statute—so you turn to title 38, section 1790, and then you turn to (d). It says: “The member may elect settlement of an insurance under title 38, section 1790, and then you turn to (d). It says: “The member may elect settlement of an insurance under this subchapter either in lump sum or in 36 equal monthly installments.” It doesn’t say anything in the statute about retained asset accounts. Now, why is that? Go back to legislative history and specifically defining the “outrageous” and the “unacceptable” business practice? That’s what this legislation does. Mr. Speaker, this complex issue is directly before Congress in the form of H.R. 5993, as amended. We should not be lightly ratifying this piece of legislation by requiring the VA to counsel beneficiaries about it. Instead, we should give careful scrutiny and make sure we understand it sufficiently to decide whether to expressly authorize it in the law for the future. Our service members and veterans and their families in the VA, Prudential, and life insurance experts should all have an opportunity to weigh in on the record. I want to make sure that it’s clear and that I’m not taking a position for or against the practice of retained asset accounts.

The real problem, as I see it, is that the retained asset accounts now, as they have been questioned, are receiving scrutiny and are matched against the payment authorized in the United States Code. So when you pull out the United States Code—and we’re talking about the present statute—so you turn to title 38, section 1790, and then you turn to (d). It says: “The member may elect settlement of an insurance under this subchapter either in lump sum or in 36 equal monthly installments.” It doesn’t say anything in the statute about retained asset accounts. Now, why is that? Go back to legislative history and specifically defining the “outrageous” and the “unacceptable” business practice? That’s what this legislation does. Mr. Speaker, this complex issue is directly before Congress in the form of H.R. 5993, as amended. We should not be lightly ratifying this piece of legislation by requiring the VA to counsel beneficiaries about it. Instead, we should give careful scrutiny and make sure we understand it sufficiently to decide whether to expressly authorize it in the law for the future. Our service members and veterans and their families in the VA, Prudential, and life insurance experts should all have an opportunity to weigh in on the record. I want to make sure that it’s clear and that I’m not taking a position for or against the practice of retained asset accounts.

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Okay, in title 10, it is illegal to smoke marijuana, but in another statute Congress is going to provide counseling on the proper use of an illegal substance. And you say, Steve that’s crazy. You are absolutely right, that’s crazy, and that’s what’s driving the law today is crazy. We should not be saying we’re going to provide counseling with regard to some agreement that the executive branch struck that’s in contradiction to the statute.

Now, you’ve got the VA and Prudential. Immediately they do a powwow. Oh, my gosh, we’ve got a problem. We’ve got to try to define this. The White House has made a statement. Ooh, it says “unacceptable.” We’ve got to figure out—come together and strike an agreement.

This is Groundhog Day, Mr. Speaker. The agreement that the executive branch struck with an insurance company back in the latter part of the 1990s was not authorized for them to do because the statute says how SGLI payments are to go directly to beneficiaries. It doesn’t say you can do three or four other types of payment schedules. The statute says two types of them. You either give them a lump sum or you do 36 monthly installments. It’s very clear.

So this agreement is just as worthless as the agreement they struck in the 1990s when it comes to the law. I guess maybe it makes them feel better. Maybe they hope that it takes the heat off. This thing, this agreement is about politics, it is about substance and legality, and it is about public relations. But if you really want it to be about the law, then what we should do is look at the law, and we need to say, Okay, then maybe you need to amend the Code. If you have to amend the Code to say, We want to permit retained asset accounts, then that is, in fact, what we should be doing.

U.S. DEPARTMENT OF VETERANS AFFAIRS (VA) FACT SHEET

Actions for Improving the Alliance Account Program

September 28, 2010

VA takes seriously the concerns raised regarding the Alliance Accounts (AA) and has reviewed the program to ensure that beneficiaries are protected, being treated fairly, and accorded the utmost care and respect. A full explanation of terms up-front, education about options, and financial counseling to assist in decision making will provide the transparency that will continue to ensure confidence in this important program.

By the end of October, 2010, VA will make the following modifications to ensure:

- All benefits due under Servicemembers’ Group Life Insurance (SGLI) or Veterans’ Group Life Insurance (VGLI) policies are retroactively back in the latter part of the 1990s

- The current interest rate and the fact that the interest rate may vary over time.

- The beneficiary can immediately write a “check” for the entire payment or any lesser amount.

- That AA funds are retained by Prudential until paid out.

- That while AA is not FDIC insured; it is backed by Prudential and State Guaranty Associations. The National Association of Insurance Commissioners has established the following Web site for additional consumer information:
  - http://www.naic.org/consumer_military_insurance.htm

- That free, professional independent financial counseling is available to all beneficiaries for a period of two years or as long as they have funds remaining in their AA.

- VA will clearly designate the source of correspondence by removing the SGLI seal from all “checks”, forms, and correspondence and replacing it with the new SGLI seal from Prudential.

- VA will require Prudential to conduct a follow up contact with beneficiaries whose accounts remain open after six months to confirm beneficiary understands the terms of the account.

- All SGLI/VGLI related information, including FAQs, Web site information, handling of all “checks”, forms, and correspondence and replacing it to show that it is from Prudential with the subtitle: “Office of Servicemembers’ Group Life Insurance”.

- VA will identify additional opportunities to encourage beneficiaries to use the free financial counseling available by delivering additional training materials and instruction.

- VA continues to carefully monitor this program and remains committed to making improvements necessary to assure that Servicemember and Veteran beneficiaries are well-protected.

I reserve the balance of my time.

Mr. BUYER. I yield myself such time as I may consume.

Here is our challenge. I don’t know what about these other groups, Mr. Chairman, that you have had a chance to talk to. I just spoke to the new chairman of the American Legion.

Mr. FILNER. Mr. Speaker, how much time does each side have?

The SPEAKER pro tempore. The gentleman from California has 9 1⁄2 minutes remaining. The gentleman from Indiana has 8 1⁄2 minutes remaining.

Mr. BUYER. I am going to take all of it. I will even take your time, if you will give it to me.

You know, you can stand up and say, Well, this veterans group supports it, and one does not. The American Legion. I just spoke to a brand-new commander of the American Legion who supports my position, so I don’t know what the disconnect is.

I can assure you, now that I am speaking about the fact that there is a legal problem, the fact that I informed the executive of Prudential with regard to this way forward that you have signed with the VA does not get you out of the hot water that you are in. There is a legal problem here. And the facts of the matter is that we have before us is actually legislation that uses this clever and artful language about maintaining the lump sum
I yield to the gentleman.

Mr. FILNER. The gentleman stands behind Mrs. HALVORSON’s bill, and we will not withdraw it.

Mr. Speaker, all right. Reclaiming my time, this was a very good moment for bipartisanship, to actually bring a work product to the floor that we could all agree on. And I am greatly disappointed, Bob, that you made that judgment and this is not right. This isn’t right at all.

The suspension calendar, Mr. Speaker, is supposed to be for legislation that is noncontroversial. It is supposed to be for legislation that the parties have worked out in a collegial manner, and let’s bring a work product to the floor that we can be proud of. And I want to ask the gentleman if he would withdraw this legislation.

I yield to the gentleman.

Mr. FILNER. The gentleman stands behind Mrs. HALVORSON’s bill, and we will not withdraw it.

Mr. Speaker. And it is very, very both.

Mr. Speaker, the gentleman gave us a lecture on suspension calendar and consensus. He was the only “no” vote. He was the only “no” vote when we had advance appropriations. Everybody else is wrong but we could potentially use group life insurance policies to profit from accounts it maintains for the families of fallen soldiers.

Gold Star Wives of America supports H.R. 5993 so that we can do everything in our power to protect the families and survivors of our fallen soldiers. Their loved ones have answered the call and their survivors deserve these protections.

Respectfully,

MARTHA M. DIDAMO,
Board Chair,
Dear Representative Halvorson:

In light of recent disclosures that insurance companies are profiting from accounts for which they are responsible for the insurance policies of the fallen soldiers, The American Legion feels that ALL insurance companies offering coverage through the SGLI program should be required to disclose information to family members of fallen soldiers. The American Legion supports legislation that would mandate that the VA administer the SGLI program to offer financial counseling and disclosure information to family members of fallen soldiers.

The American Legion supports H.R. 5993 as introduced so that we can protect the military families of our fallen soldiers. However, The American Legion has additional concerns not addressed in the original bill which are equally important.

This legislation does not address the practice of the insurance companies executing the program making a profit on the account after the death of a service member and actually misrepresenting or over representing the “interest bearing account” benefit of the program to a payee.

The American Legion supports the VFW's proposal of amending H.R. 5993 so that we can do everything in our power to protect them from any unscrupulous entities or practices that would seek to take advantage of their tragic fortunes. The VFW looks forward to working with you and your staff on this and other measures to properly care for our veterans and their families.

Sincerely,

Jimmie L. Foster
National Commander

The American Legion,
OFFICE OF THE NATIONAL COMMANDER,
Washington, DC, September 27, 2010.

Hon. Debbie Halvorson,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HALVORSON: In light of recent news that the insurance companies contracted to provide service members' Group Life Insurance (SGLI) could potentially use group life insurance policies to obtain profits from the families of fallen soldiers. The American Legion supports legislation that seeks to ensure that insurance companies are open and honest about the policies on which so many military families rely.

The legislation you recently introduced, H.R. 5993, Securing America's Veterans Insurance Needs and Goals (SAVINGS) Act, would mandate that the VA Secretary to require those insurance companies offering coverage through the SGLI program to provide the beneficiaries of fallen soldiers with financial counseling and disclosure information. In addition, this Act would obligate the VA to provide a report to Congress annually to ensure that those insurance companies are being responsive to military families.

It is critical that these insurance policies provide more transparency, full disclosure, and informed options for military families on insurance matters. This legislation would guarantee the families of our fallen heroes have access to oral and written financial counseling. This counseling would better help family members understand their options so that they can make sound financial decisions during a stressful and sorrowful period. It would also require an annual report to Congress by the VA to ensure that insurance companies are being responsive to military families.

Beneficiaries of the SGLI program have made tremendous sacrifices, and we must do everything in our power to protect them from any unscrupulous entities or practices that would seek to take advantage of their tragic fortunes. The VFW supports the SGLI program, to offer financial counseling and disclose information to family members of fallen soldiers. It would also require an annual report to Congress by the VA to ensure that insurance companies are being responsive to military families.

Sincerely,

Gerald T. Manar,
Deputy Director,
National Veterans Service,

Gold Star Wives of America, Inc.,
Bellevue, NE, September 26, 2010.
Chairman Jimmier L. Foster, House Committee on Veterans' Affairs, Washington, DC.

In light of recent news that the insurance companies providing group life insurance policies to profit from accounts it maintains for the families of fallen soldiers, Gold Star Wives of America, Inc supports H.R. 5993. H.R. 5993 would ensure that insurance companies authorized by VA to administer SGLI accounts are fully open and honest about its practices for these policies on which so many service members rely to ensure financial security for their families.

H.R. 5993, the Securing America's Veterans Insurance Needs and Goals (SAVINGS) Act, would mandate that the Secretary of Veterans Affairs require insurance companies providing coverage through the SGLI program to offer financial counseling and disclosure information to family members and survivors of fallen soldiers. It would also require an annual report to Congress by the VA to ensure that insurance companies are being responsive to military families.

Sincerely,

Mary Scott,
Chairman, Board of Governors

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore.

The question is on the motion offered by the gentleman from California (Mr. Filner) that the House suspend the rules and pass the bill, H.R. 5993, as amended.
ALL-AMERICAN FLAG ACT

Mr. DRIEHAUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2853) to require the purchase of domestically made flags of the United States of America for use by the Federal Government, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 2853

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 “All-American Flag Act”.

SEC. 2. REQUIREMENT FOR PURCHASE OF DOMESTICALLY MADE UNITED STATES FLAGS FOR USE BY FEDERAL GOVERNMENT.
Only such flags of the United States of America, regardless of size, that are 100 percent manufactured in the United States, from articles, materials, or supplies 100 percent of which are grown, produced, or manufactured in the United States, may be acquired for use by the Federal Government.

SEC. 3. REQUIREMENT TO USE WORKERS AUTHORIZED TO WORK IN THE UNITED STATES.
In carrying out section 2, the Federal Government may purchase flags only from a manufacturer that certifies that—
(1) the manufacturer does not employ aliens who are not authorized to be employed in the United States; and

SEC. 4. EFFECTIVE DATE.
Section 2 shall apply to purchases of flags made on or after 180 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. DRIEHAUS) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. DRIEHAUS. Mr. Speaker, I ask unanimous consent that all Members may have legislative dolls within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DRIEHAUS. I yield myself such time as I may consume.

Mr. Speaker, H.R. 2853, the All-American Flag Act, ensures that the flags purchased by the Federal Government will be made right here in the United States, ensuring that tax dollars used for these purchases will stay here in our economy.

H.R. 2853 was introduced by our colleague, the gentleman from Iowa, Representative BRUCE BRALEY, on June 12, 2009. It was referred to the House Committee on Oversight and Government Reform, which ordered the measure reported by unanimous consent on July 29, 2010.

This bill requires that all flags of the United States of America, of any size, purchased by the Federal Government be 100 percent manufactured here in the United States. This also includes any articles, materials, or supplies used to manufacture or produce those flags. Those materials must all be produced here. This represents a vast improvement over existing law, which only requires 50 percent of these materials to be American made. E-Verify seems to be a success that all of us can get around.

Mr. Speaker, I yield 1 1/2 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I appreciate my colleague from California’s yielding the time.

We are requiring flags to be made in the United States because our colleagues say they are concerned about jobs. Well, House Republicans are also very much concerned about jobs in this country, and we have been listening to the American people.

Unemployment near 10 percent is one of the chief concerns of the people in this country, so they want to know why Democrats are allowing both chambers to adjourn this week without stopping this massive $3.9 trillion tax increase that will hurt small businesses and kill more jobs.

Our friends across the aisle can adjourn the House this week and walk away from their responsibility to govern, or Speaker PELOSI could allow full up-or-down votes on tax increases before this House is adjourned. We want an up-or-down vote now. We can’t allow the American people and small businesses to face this uncertainty.

We were elected to serve the people in our districts, not to put our personal political gain ahead of our constituents’ welfare. Certainly, we want to make efforts to keep jobs in America, such as through bills like this one, but especially by giving certainty to businesses.

Let’s vote before we adjourn to extend tax cuts for all Americans. No family and no job-creating small business owner should face a tax increase on January 1.

Mr. DRIEHAUS. I yield myself such time as I may consume.

Mr. Speaker, again, this bill is about creating American flags in the United States of America purchased by the Federal Government. I very much appreciate the gentle lady’s concern over small businesses and business creation. That is why this House and the Senate came together
and passed the Small Business bill last week, which the President signed yesterday, creating more jobs and small businesses, allowing capital to flow into small businesses through our community banks. It is a step in the right direction to create businesses here in the United States. I am pleased that we passed it. I am sorry that the Republicans didn’t join us in that vote and support for small businesses.

Again, I will remind the gentile lady that small businesses benefit from the health care bill as well, getting a tax credit for providing health insurance for their employees for the first time. The small business community had been shut out of the process of receiving tax credits for providing health insurance. I am proud of what we have done for small businesses here in this Congress and will continue to work on behalf of small businesses.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield 30 seconds to a gentlewoman from North Carolina (Ms. Foxx).

Ms. FOXX. Mr. Speaker, unfortunately, our colleagues across the aisle are stuck on failure, the bailouts, one after the other. Last week, the bill that cost the $700 billion, another bailout of banks. It is a failure. Everything that our friends across the aisle—mostly recommended by the President, have failed. Our unemployment rate, which was never supposed to get above 8 percent, based on the stimulus, is at almost 10 percent.

Your ways of doing this are to keep the American people under the control of the government. Tax credits make them beholden. That is not the way to do it. No tax increases is the way to do it.

Mr. DRIEHAUS. I yield myself such time as I may consume.

Again, I would like to comment on the lady’s comments regarding the supposed failures of the Recovery Act.

I would invite her to come to Cincinnati, Ohio, where the Banks Project, the largest project in Cincinnati, is moving forward because of the Recovery Act. She can meet the hundreds of workers that she calls a failure. Or she can go to the bridge that is being painted by 90 employees, also funded by the Recovery Act. She can meet the hundreds of people that police and firefighters now have, the thousands of jobs that teachers have, the thousands of jobs that police and firefighters now have, the thousands of jobs that teachers now have because of the Recovery Act.

As a matter of fact, Mr. Speaker, I think it was crystal clear in the CBO report that came out just a few weeks ago that the Recovery Act in fact saved or created 3.5 million jobs here in the United States. It will remind the lady of the failures of the Bush economic policies that led us into the worst recession in our lifetime. A failure was the last 6 months of 2008, when we saw the loss of 3 million jobs in this economy.

I don’t call saving and creating 3.5 million jobs a failure, and I would challenge her to come to Cincinnati and look at those workers in the face that are working on I-75, that are working on the Banks Project, and suggest to them that their paychecks are a failure of the Federal Government.

I reserve the balance of my time.

Mr. BILBRAY. I yield myself such time as I may consume.

Mr. Speaker, we can talk about successes and failures. Some people think that the stimulus package costing $200,000 per job, on average, is not something that is sustainable. But let’s talk about something we can agree is a success, and that is we were able to meet on this bill. Sadly, it is one of those few things we have been able to reach across the aisle and work on—that the flags not only that are flown over this Capitol and around the country, but that somebody who had the privilege and the honor of having the flag that was on my father’s casket fly and be hung in my office, this will mean that the men and women who served for the military and fought for the freedom that those flags represent is what makes our freedoms possible will be able to be sure that they will not be covered with a flag made in China.

They will not have slave labor making the Stars and Stripes that are laid over their casket; that the sacred oath we make to them in so many different flags are made, and especially, finally, having the Nation’s colors draped over your casket, you will be assured that it will be said to be made in America.

With that, I think we need to look at where is the success we can work on. This is one of those places we have been able to meet. And as we have been able to meet, talking about how the flags are made, and especially, finally, some agreement on who should be working in this country, I think it is one of those things that I hope that we can build on.

Mr. Speaker, if I can suggest that maybe Republicans and Democrats, rather than talking about an amnesty here or this proposal, we join on a bill that is so commonsensical that we don’t even talk about it.

H.R. 3580 by STEVE KING, all that bill says is let’s build on the success of Employee and tell employers that we as a government will no longer allow you to have a tax deduction for employing somebody unless you take the time to check that that person is legally in the country. There is a place that Demo- crats and Republicans can agree on. There is a place that we can reach a common ground and find answers, rather than continuing to point out each other’s shortcomings.

Again, I would ask my colleagues on both side of the aisle, look at STEVE KING’s New IDEA bill. H.R. 3580. It is the most moderate, it is the most commonsensical proposal you can put forward. All it says is before an employer can deduct the expense of hiring somebody, they darn well ought to take the time to check that they are legally in the country. That, I think, is something that we can agree on.

I would love to see that before we adjourn, and maybe when we come back, that we meet at that middle ground show the American people that we not only can stand up and make sure that flags are made legally in this country, but we can take this step to make sure that employers who are breaking the law by hiring people illegally, not only can stand up and make sure that flags are made legally in this country, but we can take this step to make sure that employers who are breaking the law by hiring people illegally the American people for it. I think that is one place that Rep- ublican and Democrats can join together and be Americans when it comes to these issues.

Mr. Speaker, we have no other speakers at this time; so I will just close by saying I think we have had a good dis- cussion here. There are agreements and disagreements, but I think we found an agreement here. After all, if Americans cannot get together and agree that American flags that are made with American material in the United States by legal Americans, my God, what can we agree on?

I think this is one thing that may be small, most people won’t think it is a big deal, but hopefully this is a prototype and a blueprint for Democrats and Republicans getting together and agreeing to be Americans first and vot- ing together and passing the kind of laws the American people have been waiting for for a long time.

Mr. Speaker, I yield back the balance of my time.

Mr. DRIEHAUS. Mr. Speaker, I yield the balance of my time.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a
As a young man, Mr. Bolas served in the U.S. Army from 1953 to 1961. After finishing his service in the army, Mr. Bolas focused his time and attention on making his community a better place. Mr. Bolas served as zoning appeals board chairman, a Sharon Township trustee, and was also active in a wide array of community organizations, including the Medina County Drug Task Force, the Highland Foundation For Educational Excellence, the Boy Scouts of America, the Ohio Township Association, and the Sharon Township Heritage Society.

Sadly, Mr. Bolas passed away on August 14, 2008, following a long battle with cancer. His memory will live on through his adoring family and the countless individuals whose lives he improved through his tireless work on behalf of his community.

Mr. Speaker, let us further honor the life and legacy of Emil Bolas through the passage of H.R. 4602, which will designate the postal facility located at 1332 Sharon Copley Road in Sharon Center, Ohio, in his honor. I urge my colleagues to join me in supporting this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, this is one time that a Californian cannot best the Ohio gentleman. So I will just say I think he presented this item quite appropriately, and basically I will just say I agree totally with the majority on this item. The gentleman from Ohio has not only represented his district but his State and this gentleman quite appropriately in the post office proposal.

Mr. Speaker, I yield back the balance of my time.

Mr. DRIEHHAUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, I am proud to present H.R. 5606 for consideration. This legislation will designate the facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, as the “James M. ‘Jimmy’ Stewart Post Office Building.” H.R. 5606 was introduced by our colleague, Representative MARK CRITZ of Pennsylvania, as the “James M. ‘Jimmy’ Stewart Post Office Building.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, I am proud to present H.R. 5606 for consideration. This legislation will designate the facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, as the “James M. ‘Jimmy’ Stewart Post Office Building.”

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the opinion of the Chair, two-thirds being present.

Mr. Speaker, I yield back the balance of my time.

Mr. DRIEHHAUS. Mr. Speaker, I object to the request of the gentleman from Ohio.

Mr. Speaker, I yield the balance of my time.

Mr. DRIEHHAUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Emil Bolas dedicated his life to the service of his beloved community, Sharon Township and Medina County. As noted in The Medina County Gazette, Mr. Bolas’ mission in life was helping people and improving his community.

JAMES M. ‘JIMMY’ STEWART POST OFFICE BUILDING

Mr. DRIEHHAUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5606) to designate the facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, as the “James M. ‘Jimmy’ Stewart Post Office Building”.

As we all know, Jimmy Stewart was an American film and stage actor who worked in Hollywood during its “Golden Age.” Mr. Stewart was born on May 20, 1908, in Indiana, Pennsylvania, and attended Mercersburg Academy Prep School. After graduating from Mercersburg in 1928, Mr. Stewart went on to attend Princeton University, where he developed a lifelong love for acting.

In 1939, Mr. Stewart starred in one of the great films about American politics, “Mr. Smith Goes to Washington.” He portrayed the experience of a young senator learning the ropes in Washington. The film was a great success and was nominated for 11 Academy Awards.
Awards in 1939, and won the Oscar for Best Writing and Original Story.

In 1941, Mr. Stewart enlisted in the Army, where he was assigned to the 445th Bombardment Group stationed out of Sioux City Army Base in Iowa. Mr. Stewart eventually promoted to the rank of captain and commanded the 730rd Bombardment Squadron for the duration of World War II. Notably, in 1959, Mr. Stewart was promoted to brigadier general in the Air Force Reserve and served as a non-duty adviser during the Cold War.

In 1989, Mr. Stewart became a co-founder of the American Spirit Foundation, which applied entertainment industry resources and talent to help develop innovative approaches to public education and to assist emerging democratic movements in the former Soviet satellite states. Mr. Stewart also worked with President Reagan and Chief Justice Warren Burger on initiatives to promote awareness of the Constitution and the Bill of Rights. Sadly, Mr. Stewart passed away on July 2, 1997.

Mr. Speaker, let us honor the life and legacy of Jimmy Stewart through the passage of H.R. 5606, which will designate the post office located at 47 South 7th Street in Indiana, Pennsylvania, in his honor. I urge my colleagues to join me in supporting H.R. 5606.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will join in supporting this motion. Frankly, I think that we appreciate Mr. Stewart for much service in the military, but mostly most of us remember him as a great actor. The fact is many of us may remember him doing one of the extraordinary, almost a solo performance as Charles Lindbergh in scenes where he is talking to himself and getting across. I have just got to say that that is quite appropriate, as some people may not know, that Jimmy Stewart did not fly across the Atlantic and land in Paris alone. He was playing the role of Charles Lindbergh. But as San Diegans we’re very sensitive to that scene that the plane might have been called the Spirit of St. Louis, but it was actually built in San Diego right at what is now Lindbergh field. But I think that this motion for the great actor, great American, great veteran, is quite appropriate.

I yield back the balance of my time.

Mr. DRIEHAUS. Mr. Speaker, at this time I would like to yield 3 minutes to the sponsor of the legislation, the gentleman from Pennsylvania (Mr. Critz).

(Mr. CRITZ asked and was given permission to revise and extend his remarks.)

Mr. CRITZ. Mr. Speaker, I rise today in support of H.R. 5606, which would rename the United States Postal Service building in Pennsylvania, after Jimmy Stewart, one of the most distinguished and acclaimed actors of American history.

James Maitland “Jimmy” Stewart was born on May 20, 1908, in Indiana, Pennsylvania. He studied at Princeton University, where he developed his love of acting before pursuing a career in theater and film. He starred in several movies, including the Academy Award-winning Best Picture, “You Can’t Take It With You.” In 1939, he starred in the acclaimed “Mr. Smith Goes to Washington,” a film in which he played an idealist statesman trying to make a difference for his constituents.

After his early Hollywood success, a sense of patriotism compelled Stewart to serve his Nation during World War II. He enlisted in the Army in 1941, before the United States entered the war. After the war he continued to play an active role in the Air Force Reserve and was eventually promoted to the rank of Major General. He served during the Vietnam War as a non-duty adviser and retired in 1966, after 29 years of military service.

Stewart resumed his acting career following World War II, and in 1946 he starred in the classic “It’s a Wonderful Life.” In 1989, he cofounded the American Spirit Foundation, which helped to develop new approaches to public education and assisted in budding democratic movements in former Soviet satellite states. He retired from acting in 1981, after providing the voice for Sheriff Wylie Earp in “An American Tail: Fievel Goes West.” In his 35 years of acting, Stewart appeared in 92 films, television programs, and shorts. He passed away on July 2, 1997, in Beverly Hills, California.

Mr. Speaker, renaming the Indiana, Pennsylvania, post office after one of its most accomplished natives is fitting for one of the most inspiring and patriotic actors of the 20th century. I encourage my colleagues to support this bill.

Mr. DRIEHAUS. Mr. Speaker, I again urge my colleagues to join me in supporting this measure.

I yield back the balance of my time.

Mr. Speaker, I rise today in support of H.R. 5605, which would rename the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, as the George C. Marshall Post Office.

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

SECTION 1. GEORGE C. MARSHALL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, shall be known and designated as the “George C. Marshall Post Office”.

The SPEAKER pro tempore. The House has read the title of the bill.

Mr. DRIEHAUS. Mr. Speaker, I now yield such time as he may consume to the author of the legislation, the gentleman from Ohio (Mr. DRIEHAUS).

(Mr. CRITZ asked and was given permission to revise and extend his remarks.)

Mr. CRITZ. Thank you, Mr. Chairman, for yielding.

Mr. Speaker, I rise today in support of H.R. 5605, which would rename the facility of the United States Postal Service in Uniontown, Pennsylvania, after its most famous son, George C. Marshall, Jr. Most notable for the Marshall Plan, he was born on December 31, 1880, in the coal hills of southwestern Pennsylvania. Marshall was commissioned as a second lieutenant in 1902, following his graduation from the Virginia Military Institute. He quickly rose through the ranks and was appointed Chief of Staff of the Army in 1939 by President Franklin D. Roosevelt. Marshall inherited an Army on the cusp of a Second World War and oversaw the largest military expansion in U.S. history. In 1944, he became the first American General to be promoted to a five-star rank, the newly created General of the Army.

Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5605) to designate the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, as the George C. Marshall Post Office.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5605

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

SECTION 1. GEORGE C. MARSHALL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, shall be known and designated as the “George C. Marshall Post Office”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. DRIEHAUS) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. DRIEHAUS. Mr. Speaker, I now yield such time as he may consume to the author of the legislation, the gentleman from Pennsylvania (Mr. CRITZ).

(Mr. CRITZ asked and was given permission to revise and extend his remarks.)

Mr. CRITZ. Thank you, Mr. Chairman, for yielding.

Mr. Speaker, I rise today in support of H.R. 5605, which would rename the facility of the United States Postal Service in Uniontown, Pennsylvania, after its most famous son, George C. Marshall, Jr. Most notable for the Marshall Plan, he was born on December 31, 1880, in the coal hills of southwestern Pennsylvania. Marshall was commissioned as a second lieutenant in 1902, following his graduation from the Virginia Military Institute. He quickly rose through the ranks and was appointed Chief of Staff of the Army in 1939 by President Franklin D. Roosevelt. Marshall inherited an Army on the cusp of a Second World War and oversaw the largest military expansion in U.S. history. In 1944, he became the first American General to be promoted to a five-star rank, the newly created General of the Army.

Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5605) to designate the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, as the George C. Marshall Post Office.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
Mr. DRIEHAUS. Mr. Speaker, I would just remind the Members that this is a consent agenda, an agenda for which Republicans and Democrats have come together and for which the Members are not here to cast votes. They will be here tomorrow for our votes. So I see this as the opportunity for Members of both sides to bring legislation forward which we have recognized, certainly throughout my year and a half in Congress, and it is due to the bipartisan nature of the work that is done in Oversight and Government Reform, which we should be proud of.

So I don’t apologize for bringing these bills to the floor today. I think the Republicans have made laudable efforts here, and I think we have made laudable efforts here. I would like to remind the Members that this is a consent agenda which has been agreed upon by both parties.

I reserve the balance of my time.

Mr. DRIEHAUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. BILBRAY. Mr. Speaker, I yield to the gentlelady from North Carolina.

Ms. FOXX. I thank my colleague from California for yielding.

Certainly, Mr. Speaker, I think that General Marshall was a great man and deserves recognition. In fact, he received the Nobel Prize. However, this Congress has shown an unfortunate propensity for bringing up bills that are not exactly high priorities in the minds of the American people. Mr. Speaker, are not even trying to deal with legislation that the American people do want and are clamoring for. The failed trillion-dollar stimulus, the government takeover of health care, and billions of dollars in bailouts were all pushed through by Democrats in charge; but when it comes to making a budget or to staving off the largest tax increase in American history, these Democrats are sitting on their hands. It would be a travesty for this body to go home this weekend and to leave a $3.9 trillion tax increase looming over the heads of American families and small businesses.

Mr. Speaker, we stand here today with more than 30 Members of our own party who are making a simple request: let us have a full and open debate before you impose those job-killing tax hikes on the American people. Give us an up-or-down vote, and let the will of the American people have its way. Let’s stop frittering away our time.

Mr. BILBRAY. Mr. Speaker, I reserve the balance of my time.
M.R. “BUCKY” WALTERS POST OFFICE

Mr. DRIEHAUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6014) to designate the facility of the United States Postal Service located at 212 Main Street in Hartman, Arkansas, as the “M.R. ‘Bucky’ Walters Post Office.”

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6014

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

SECTION 1. M.R. “BUCKY” WALTERS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 212 Main Street in Hartman, Arkansas, shall be known and designated as the “M.R. ‘Bucky’ Walters Post Office.”

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “M.R. ‘Bucky’ Walters Post Office.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. DRIEHAUS) and the gentleman from California (Mr. BILBRAY) each control 20 minutes.

Mr. DRIEHAUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and explain their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DRIEHAUS. I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am proud to present H.R. 6014 for consideration. This legislation will designate the facility of the United States Postal Service located at 212 Main Street, in Hartman, Arkansas, as the “M.R. ‘Bucky’ Walters Post Office.”

H.R. 6014 was introduced by our friend and colleague, Representative JOHN BOOZMAN of Arkansas, on July 30, 2010. It was favorably reported out of the Oversight and Government Reform Committee on September 23, 2010. The legislation enjoys the support of the entire House delegation.

M.R. “Bucky” Walters was born on May 22, 1920, in Lincoln, Nebraska; and he dedicated his life to the service of his country and to his beloved Hartman, Arkansas. Mr. Walters served his country proudly for 50 years, spending 5 years in the Army during World War II and an astonishing 53 years with the United States Postal Service.

After serving as a master mechanic in the Arkansas National Guard at Camp Robinson in Little Rock, Arkansas, Mr. Walters was appointed as a full-time letter carrier for the Hartman Post Office in Hartman, Arkansas, by President Dwight D. Eisenhower.

After 11 years of exemplary service, Mr. Walters was appointed postmaster of the Hartman Post Office by President Lyndon Johnson.

As both a letter carrier and as a postmaster, Mr. Walters developed a reputation as a tireless employee who always went the extra mile for his community.

Sadly, Mr. Walters died on March 16, 2010, at the age of 89. He is survived by his wife, Maurine; his son, Neal; his sister, Doris; and by his two grandchildren.

Mr. Speaker, let us further honor the life and legacy of Mr. Walters through the passage of H.R. 6014, which will designate the postal facility located at 212 Main Street in Hartman, Arkansas, in his honor.

I urge my colleagues to join me in supporting H.R. 6014.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I appreciate the leadership on this item. I appreciate the fact that this naming is more punctual than the last. Maybe we’re seeing a positive train here, but I think that the gentleman from Ohio explained it quite appropriately and articulated perfectly exactly why we’re willing to take this action.

I yield back the balance of my time.

Mr. DRIEHAUS. Mr. Speaker, I again urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. DRIEHAUS) that the House suspend the rules and pass the bill, H.R. 6014.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested: S. 3761. An act to amend the Stem Cell Therapeutic and Research Act of 2005.

SUPPORTING UNITED STATES MILITARY HISTORY MONTH

Mr. DRIEHAUS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1442) supporting the goals and ideals of United States Military History Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1442

Whereas United States citizens of every race, class and ethnic background from every State and territory have made memorable sacrifices as members of the United States Air Force, Army, Coast Guard, Marines, and Navy that have revolutionized armed conflict;

Whereas the United States has produced a legacy of pioneering military leaders since Congress first appointed George Washington in 1775 as general and commander-in-chief of the Continental Army in the American Revolution;

Whereas since then, citizen soldiers of the United States have valiantly overcome monumental odds, exhibited leadership in the face of superior forces, and achieved victory on battlefields at home and around the world when this Nation or its people have been threatened;

Whereas 3,468 Medals of Honor—the Nation’s highest decoration—have been awarded to United States veterans for heroic courage and sacrifices above and beyond the call of duty in the line of fire defending the Nation;

Whereas the names of these recipients and other veterans of the United States Armed Forces have been recorded in the histories of other nations where they served in air, on land, and at sea defending freedom and protecting liberty;

Whereas the founding of the United States and its continued existence can be documented through the actions, leadership, and protection of its freedoms through the efforts of the United States Armed Forces;

Whereas November 11 was originally declared Armistice Day to commemorate the sacrifices of United States soldiers in World War I and later designated by President Dwight D. Eisenhower in 1954 as a day to honor all United States veterans;

Whereas United States Armed Forces have played a critical role in protecting the life of the Nation by their dedicated service, prowess, and resolve;

Whereas despite these contributions, the role of veterans and the wars in which they served have been consistently undervalued and overlooked in the overemphasis on their nation and their stories diminished in American education;

Whereas November would be an appropriate month to designate as United States Military History Month and State legislatures and assemblies have been requested to issue proclamations designating November as United States Military History Month and to encourage students to study this vital subject and participate in Veterans Day activities; Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of United States Military History Month; and

(2) encourages the President to issue a proclamation to emphasize the importance of United States Military History Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. DRIEHAUS) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.
Mr. DRIEHAUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DRIEHAUS. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 1442. This resolution supports the goals and ideals of United States Military History Month.

H. Res. 1442 was introduced by our colleague, the gentleman from Tennessee, Representative JOHN DUNCAN, on June 15, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on September 23, 2010. The measure enjoys the support of over 50 Members of the House.

Mr. Speaker, from the Revolutionary War to the present conflicts in Iraq and Afghanistan, the actions and leadership of our Armed Forces have shaped the history of our Nation and helped to preserve our freedoms. One cannot understand our country without understanding the role our military has always had a critical role in our history.

For all that they’ve done for our Nation, our soldiers, sailors, airmen, guards, marines, and women who have served, we should deeply appreciate and respect them. One of the ways we can do this is by helping to ensure that Americans understand the role that our military has played in the development of our Nation and in the history of our world. I, therefore, ask my colleagues to join me in supporting H. Res. 1442 and encourage all Americans to take time to learn more about our Nation’s military history.

I reserve the balance of my time.

Mr. Speaker, at this time I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from California for yielding me the time, and I thank the gentleman from Ohio for his words in support of this legislation, and I also want to thank the very large number of cosponsors from both sides of the aisle that we have on this bill.

Mr. Speaker, the gentleman from Ohio (Mr. Res. 1442 would designate the month of November as Military History Month. While still a general in the Continental Army, George Washington said, “When we assumed the soldier, we did not set aside the citizen,” meaning that he believed from the early days of this country’s history that citizen-soldiers were the most important people in this Nation in so many, many ways.

Since even before there was a United States until today, Americans have never shied away from the fight to make life better, not only for ourselves but for many millions of others. To better understand, appreciate, and celebrate the influence of the military on our Nation’s narrative, we should designate November as United States Military History Month.

There are two major holidays already set aside to honor the men and women who have served our Nation. First known as Declaration Day, what is now known as Memorial Day commemorates the American soldiers who have died in combat. Veterans Day began as Armistice Day to note the end of World War I. The Congress changed it to Veterans Day in November 11 of each year we honor all those who have served in the military. But without celebrating our country’s military history, these holidays might very well end up being seen merely as days off work or just days that government buildings and banks are closed.

The U.S. military has always played a very important role in our Nation’s evolution and in protecting the American way of life. Establishing, through the history of our Nation, it’s an essential component of the world peace and the world freedom and the world prosperity that not only Americans but the entire world, sadly, I think takes for granted.

I think that this is quite appropriate that the gentleman from Tennessee brings this up, that we not only recognize but we celebrate how unique our American military is. We go around the world to set people free. We go around the world to give them a better life. We go into battle and to oppose; and that is something that the Americans have done from the get-go and it’s something that we should recognize, be it at Barbary Coast to put down the pirates that were raiding innocent ships or to go and depose dictators that have been oppressing their own and killing their own people.

I think this bill is quite appropriate, and hopefully we will see the kind of celebration of the heritage of military service that we have in this country as we have seen on others.

So I again congratulate the gentleman from Tennessee, and I thank the majority for allowing the bill to go forward.

I yield back the balance of my time.

Mr. DRIEHAUS. Mr. Speaker, I again urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question was taken.

Mr. DRIEHAUS. Mr. Speaker, I again urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DRIEHAUS) that the House suspend the rules and agree to the resolution, H. Res. 1442.

The question was taken.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further
The question was taken. The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it. Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present. The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed. The point of no quorum is considered withdrawn.

SUPPORTING THE UNITED STATES PARALYMPICS

Ms. CHU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1479) supporting the United States Paralympics, honoring the Paralympic athletes, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 1479
Whereas today there are more than 21 million Americans with a physical disability; Whereas in the past few years thousands of military personnel have sustained serious injuries during active duty; Whereas research shows that daily physical activity enhances self-esteem and peer relationships, and results in increased achievement, better overall health, and a higher quality of life; Whereas United States Paralympics, a division of the United States Olympic Committee, is dedicated to becoming the world leader in the Paralympic sports movement, and promoting excellence in the lives of people with physical disabilities; Whereas since its formation in 2001, United States Paralympics has been inspiring Americans to achieve their dreams; Whereas United States Paralympics makes a difference in the lives of thousands of individuals with a physical disability every day; Whereas United States Paralympic athletes have been competing in the Paralympic Games since 1990; Whereas the athletes in the Paralympic Games are the very best at their sports, devote countless hours to training, and receive support from their families, schools, and communities; Whereas the United States Paralympics Team brought home a total of 13 medals, including 4 gold medals, from the 2010 Paralympic Winter Games in Vancouver, British Columbia; Whereas the United States Paralympics Team won gold medals in Ice Hockey (Ice Sledge Hockey), Women’s Super Combined (Sitting), Women’s Downhill (Sitting), and Women’s Giant Slalom (Sitting); Now, therefore, be it

Resolved, That the United States House of Representatives—
(1) supports the work of the United States Paralympics; (2) congratulates all of the United States Paralympics Team medal winners from the 2010 Winter Paralympic Games in Vancouver; and (3) honors all of the Paralympic athletes for their contributions to the Games; and
(4) recognizes the contributions of the athletes’ families, schools, and communities to
the Paralympic Games, and the United States Team.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Ms. CHU) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. CHU. I yield myself such time as I may consume.

I rise in support of House Resolution 1479, a bill supporting the United States Paralympics. A division of the U.S. Olympic Committee, the United States Paralympics organizes elite athletes with physical disabilities to compete internationally in the summer and winter Paralympic Games.

House Resolution 1479 was introduced by our colleague, the gentleman from New Jersey, Representative LEONARD LANCE, on June 25, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it to the Committee on Foreign Affairs, which expresses Chair- Reform, and the House Committee on Government Reform, which ordered it to the Committee on Oversight and Government Reform, which ordered it to the Committee on Foreign Affairs, which expresses Chair-

Mr. Speaker, I am proud to offer this bipartisan resolution, honoring the Paralympic athletes, and for other purposes,” introduced by Congressman Leonard Lance on July 28, 2010.

As you know, this measure was referred to the Committee on Oversight and Government Reform and, in addition, to the Committee on Foreign Affairs for a period to be subsequently determined by the Speaker, in each case with provision for prorogations as fall within the jurisdiction of the committee concerned.

This bill contains provisions within the rule X jurisdiction of the Committee on Foreign Affairs. In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important bill, I am willing to forego this Committee’s right to mark up this bill. I do so with the understanding that by waiving consideration of the bill, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its rule X jurisdiction.

Please include a copy of this letter and your response in the Congressional Record during consideration of the measure on the House floor.

Sincerely,

H. BERNAN, Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Hon. HOWARD BERNAN,
Chairman, Committee on Foreign Affairs, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BERNAN: Thank you for your letter regarding H. Res. 1479, a resolution “Supporting the United States Paralympics, honoring the Paralympic athletes, and for other purposes,” introduced by Congressman Leonard Lance on July 28, 2010.

I agree that the Committee on Foreign Affairs has valid jurisdictional claims to this resolution and I appreciate your willingness to waive further consideration of H. Res. 1479 in the interest of expediting consideration of this important measure. I acknowledge that your Committee is not relinquishing its jurisdiction over the relevant provisions of H. Res. 1479, nor waiving its jurisdictional claims over similar measures in the future.

This exchange of letters will be in the Congressional Record as part of the consideration of H. Res. 1479. I thank you for working with me to pass this important legislation.

Sincerely,

EDOLPHUS TOWNS,
Chairman.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, at this time it’s my privilege to yield such time as he may consume to the gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. I thank the gentleman from California and the gentlewoman from California.

Mr. Speaker, I am proud to offer this resolution today to honor all of the athletes of the 2010 U.S. Paralympic Team, including my constituent Josh Pauls, the youngest member of Team USA. Josh Pauls of Watchung, New Jersey, is a remarkable young man, a real American hero, and I am proud to recognize him before the United States Congress and the American people.

During the Paralympic Games and every day of the year, Paralympic athletes like Josh demonstrate great American spirit, courage, and achievement. I am proud we are able to work in a bipartisan fashion to bring this important measure to the House floor for final consideration, and I am proud of athletes like Josh Pauls.

Josh was 10 years old when his father first put him in a wheelchair at the Bridgewater, New Jersey, arena. Soon after, Josh began playing locally and showed so much talent that his team manager recommended that he try out for the national team. He took that advice and surprised everyone by making the team. Now Josh is on the ice 11 months out of the year, both locally and traveling as far as the U.S. Olympic Center in Colorado Springs to train with his national team teammates. This is a sacrifice made not only by Josh but by his loving and supportive parents, Debbie and Tony Pauls. Josh and his teammates brought home one of four gold medals won by Team USA in the 2010 games and one of 13 overall medals won by this inspiring team.

I urge all of my colleagues to support this bipartisan resolution, honoring not only Josh but all of the members of Team USA, the United States Paralympics, and the athletes, families, schools, and communities that support these athletes year-round and not just during the Olympic Games.

These are the athletes the very best at what they do and should serve as an inspiration for all Americans for the dedication and tenacity they show in representing the United States of America.

Mr. BILBRAY. Mr. Speaker, I would like to thank the majority for allowing the Congressmen to bring his item onto the floor for a vote. It is a tough thing to do sometimes, especially from the minority, and I appreciate the fact that the majority was willing to allow me to do that.

I ask for an affirmative vote, and I yield back the balance of my time.

Ms. CHU. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 1479.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair makes the point that the proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.
Ms. CHU. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6118) to designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, N.E., in Washington, D.C., as the “Dorothy I. Height Post Office Building,” as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 6118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. DOROTHY I. HEIGHT POST OFFICE. (a) DESIGNATION.—The facility of the United States Postal Service located at 2 Massachusetts Avenue, NE, in Washington, D.C., shall be known and designated as the “Dorothy I. Height Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Dorothy I. Height Post Office”.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. The point of no quorum is considered established. The point of order that a quorum is not present and make the question is on the motion offered by Ms. CHU to suspend the rules and pass the bill, H.R. 6118, as amended.

The question is on the motion offered by Ms. CHU that the House suspend the rules and pass the bill, H.R. 6118.

The SPEAKER pro tempore. The Chair recognizes the minority leader, Ms. HOYER.

Ms. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, I am pleased to present H.R. 6118 for consideration. This measure designates the facility of the United States Postal Service located at 2 Massachusetts Avenue, NE in Washington, D.C. as the “Dorothy I. Height Post Office.”

H.R. 6118 was introduced by our colleague, the gentlewoman from the District of Columbia, Representative ELEANOR HOLMES NORTON, on September 14, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on September 23, 2010.

Mr. Speaker, this chamber mourned the loss of one of America’s most celebrated civil rights leaders, Dr. Dorothy I. Height, earlier this year. Today, we have the opportunity to continue to honor her life and achievements by giving her name to the post office in Washington, DC’s historic Postal Square Building.

Mr. Speaker, I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the minority will support Dr. Height’s name to the post office in Washington, D.C. as the “Dorothy I. Height Post Office”.

Ms. CHU. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SUPPORTING GOLD STAR MOTHERS DAY

Ms. CHU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1617) supporting the goals and purposes of Gold Star Mothers Day, which is observed on the last Sunday in September of each year in remembrance of the supreme sacrifice made by mothers who lose a son or daughter serving in the Armed Forces.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 1617

Whereas the American Gold Star Mothers have suffered the supreme sacrifice of mothers by losing a son or daughter who served in the Armed Forces, and thus perpetuate the memory of all whose lives are sacrificed in war; Whereas the American Gold Star Mothers assist veterans of the Armed Forces and their dependents in the presentation of claims to the Department of Veteran Affairs and aid members of the Armed Forces who served and died or were wounded or incapacitated during hostilities; Whereas the services rendered to the United States by the mothers of America have strengthened and inspired Americans throughout the history of the United States;
Whereas Americans honor themselves and the mothers of America when they revere and emphasize the role of the home and the family as the true foundations of the United States;

Whereas by doing so much for the home, the American mother is a source of moral and spiritual guidance for the people of the United States and thus acts as a positive force to promote good government and peace among all mankind; and

Whereas the last Sunday in September of each year is observed as Gold Star Mothers Day: Now, therefore, be it

Resolved, That the House of Representa-
vives—

(1) supports the goals and purpose of Gold Star Mothers Day, which is observed in re-
membrance of the supreme sacrifice made by mothers who lose a son or daughter serving in the Armed Forces; and

(2) urges the President to issue a proclama-
tion calling upon the people of the United States to observe Gold Star Mothers Day with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. Chu) and the gentleman from California (Mr. Bilbray) each will control 20 minutes.

The Chair recognizes the gentle-
woman from California.

GENERAL LEAVE

Ms. Chu. Mr. Speaker, I ask unani-
mous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SUPPORTING NATIONAL CRANIO-
FACIAL ACCEPTANCE MONTH

Ms. Chu. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1603) expressing support for designation of September 2010 as National Craniofacial Acceptance Month.

The Clerk reads the title of the resolution.

The text of the resolution is as follows:

H. Res. 1603

Whereas there are 100,000 children born each year in the United States with a craniofacial anomaly affecting the head, neck, extremities, or organs;

Whereas craniofacial treatment will often last from infancy to adulthood;

Whereas it is not uncommon for one to undergo multiple surgeries before reaching adulthood;

Whereas most craniofacial conditions affect individuals and their families physically, mentally, and socially;

Whereas in the past 30 years, many medical procedures have been developed to help improve the quality of life for those affected by craniofacial anomalies;

Whereas the number of physicians specializing in treating these rare and complex conditions is very small;

Whereas many groups have developed to help advocate on the behalf of those with craniofacial anomalies and to encourage greater acceptance and support of individuals with craniofacial anomalies; and

Whereas September 2010 would be an appropriate month to designate as National Craniofacial Acceptance Month: Now, therefore, be it

Resolved, That the House of Representa-
vives supports the designation of National Craniofacial Acceptance Month to encourage all citizens to become better informed of craniofacial conditions and advances in medical treatment.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. Chu) and the gentleman from California (Mr. Bilbray) each will control 20 minutes.

The Chair recognizes the gentle-
woman from California.

Mr. Speaker, the sacrifices of the Gold Star Mothers should never be far from our thoughts and prayers, and so I ask my colleagues to join me in honoring the Gold Star Mothers through the passage of H. Res. 1617.

Mr. Speaker, I reserve the balance of my time.

Mr. Bilbray. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think that as we were talking about many different items today, I think that as a culture, and especially as a Congress, we always talk about the men and women who serve and those who pay the ultimate sacrifice.

But I think anyone who is a parent, especially those who are mothers, recognize that the only thing worse than running into harm’s way is to watch your child run into harm’s way. And the greatest loss is not the loss of one’s life, but a loss of a child’s life. And I think this is quite appropriate that we finally start focusing on the fact that the great sacrifice made on the battlefield is not by the men and women who are fighting, but the mothers who are left behind and must live with whatever results occur on that battlefield, something that they will live with for the rest of their lives. And I think it is quite appropriate that we do this today.

I am sad that we haven’t done it be-
fore, to really recognize that those greatest heroes in America are the mothers who have raised the children that do the fighting that protect the freedoms and the prosperity, and those mothers who pay the ultimate sacrifice should be recognized, not just here, but much more often.

And so I thank the majority for al-
lowing this to be brought forward. And, hopefully, as a nation, as a culture, we will recognize the contribution mothers make in this great effort.

The military couldn’t be the military if it wasn’t for the mothers who were willing to raise the children that we put in harm’s way. And they are will-
ing and, sadly, forced many times as the Gold Star Mothers are, to live with the repercussions for the rest of their lives of the great loss that they witness and this Nation has ignored for too long. I ask for passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Ms. Chu. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. Chu) that the House suspend the rules and agree to the resolution, H. Res. 1617.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. Bilbray. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.
Ms. CHU. Mr. Speaker, I rise in support of House Resolution 1603, expressing support for National Craniofacial Acceptance Month.

H. Res. 1603 was introduced by our colleagues from Arkansas, Representative Mike Ross, on July 30, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on September 23, 2010. The measure has the support of 70 Members of the House.

Mr. Speaker, there are 100,000 children born each year in the United States with craniofacial anomalies affecting the head, neck, extremities, or organs. These include cleft lip and cleft palate, the most common congenital craniofacial anomalies seen at birth, as well as other conditions that can cause hearing loss or other complications.

The development of more advanced treatment options for individuals with these conditions can greatly improve their quality of life, but the number of physicians who specialize in treating these rare and complex conditions is very small. People born with craniofacial anomalies often require extensive surgery in childhood and a great deal of support and encouragement along the way, so I am glad that we can do our part to raise awareness of these conditions today through the passage of H. Res. 1603. I ask my colleagues to join me in supporting it.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, we support the bill, and I will support the gentlelady from California’s motion to have 5 legislative days within which to revise and extend their remarks. The Speaker pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlelady from California.

Ms. CHU. Mr. Speaker, I am pleased that the House Subcommittee with jurisdiction over the Federal Workforce, Postal Service, and the District of Columbia, and as a strong supporter of this bill, I am pleased that the House will act today to advance H.R. 3243. The bill, introduced by Congressman JOHN SARBANES of Maryland, will allow federal firefighters to trade shifts with each other, without triggering required overtime payments from their employing agencies. Notably, state and municipal firefighters have long been able to swap shifts, or to switch schedules. The bill’s enactment will further bolster the abilities of state and local fire agencies. Notably, state and municipal firefighters have long been able to swap shifts, or to switch schedules. The bill’s enactment will further bolster the abilities of state and local fire agencies. Notably, state and municipal firefighters have long been able to swap shifts, or to switch schedules. The bill’s enactment will further bolster the abilities of state and local fire agencies.

Ms. CHU. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 3243, legislation to promote flexibility in work arrangements and scheduling for Federal firefighters. H.R. 3243 was introduced by Representative JOHN SARBANES, the gentleman from Maryland, on July 16, 2009. The bill was reported favorably by the Oversight and Government Reform Committee on September 23, 2010.

H.R. 3243 allows federal firefighters to trade shifts without triggering mandatory overtime payments and added costs for their agency. The bill simply allows traded time to be excluded from the calculation of overtime. This prevents more leave accrual to these workers, without costing the government any money. The change is consistent with the workplace practices of state and municipal fire departments across the country. Under the bill, any decision to approve the workers’ request to switch shifts would remain up to the employing agency. Trade time will boost federal agencies’ ability to recruit and retain trained firefighters. The bill is strongly supported by the International Association of Firefighters.

I thank Mr. SARBANES for his work on this bill.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.
that at present can actually go unfilled for as long as half a year.

I'd like to take the opportunity to thank all federal fire fighters as well as other fire fighters, including those recently combating the fires in the Salt Lake City suburbs, as well as my own fire fighters from Battalion Local 718.

I also wish to express my appreciation to Chairman Towns for his unwavering commitment to extending workplace flexibilities to all federal workers—regardless of whether they are white collar desk workers or shift workers such as our federal fire fighters.

Mr. BUSH. I yield back the balance of my time.

Ms. CHU. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and pass the bill, H.R. 3243.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BUSH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PRE-ELECTION PRESIDENTIAL TRANSITION ACT OF 2010

Ms. CHU. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3196) to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3196

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 "Pre-Election Presidential Transition Act of 2010".

SEC. 2. CERTAIN PRESIDENTIAL TRANSITION SERVICES MAY BE PROVIDED TO ELIGIBLE CANDIDATES BEFORE GENERAL ELECTION.

(a) IN GENERAL.—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended by adding at the end the following new subsection:

"(i) shall determine the location of any office space provided to an eligible candidate under this subsection;"

"(ii) shall, as appropriate, ensure that any computers or communications services provided to an eligible candidate under this subsection are secure;"

"(iii) shall provide information and other assistance to eligible candidates on an equal basis and without regard to political affiliation; and"

"(iv) may modify the scope of any services to be provided under this subsection to reflect that the services are provided to eligible candidates rather than the President-elect or Vice-President-elect, except that any such modification must apply to all eligible candidates."

"(b) ADMINISTRATOR REQUIRED TO PROVIDE ELIGIBLE CANDIDATES WITH SUCH SERVICES AND FACILITIES.—

"(1) The Administrator shall provide with such notice a description of the facilities described in paragraph (2) and shall, at the same time as notice is provided under clause (i),

"(A) The Administrator shall, not later than the first 3 business days following the last nomination for such major parties;"
SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Pursuant to clause 8 of Rule XX and the opinion of the Chair, two-thirds being present, the question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and pass the bill, S. 3196. The question was taken.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California (Ms. CHU)? There was no objection.

Thereupon the Speaker pro tempore declared the question to have been put and resolved in the affirmative, two-thirds being present, and the SPEAKER pro tempore declared the bill to be passed, to the vote on the ground that a quorum is present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be suspended.

The point of no quorum is considered withdrawn.

SECURITY COOPERATION ACT OF 2010

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill which facilitated a highly efficient and effective transition.

S. 3196 encourages presidential candidates to take steps that are necessary to effectively protect national and homeland security during the transition period, and I want to thank Senator KASICH for his vision on this important issue. I encourage all Members to support this important bill.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when we look at this bill, we have got to think about what if 9/11 had happened 6 months before or 9 months before. And what if on Inauguration Day terrorists decided that it is the time that America’s leadership would be the weakest, that how could they really cause havoc not just with an attack but be able to catch America when its political leadership was at its weakest point? I think this bill is trying to make sure we avoid that vulnerability.

It is still a threat, I think we must still be concerned about, but I think this helps to address the potential gap that exists today, and hopefully we’ll close that gap to make sure that we tighten up the process and make it more outcome-based, and basically reflecting the fact that Washington gets it that the world is changing, and we need to change too. We need to improve. Just because this is the way Washington has done something, it doesn’t mean that is the way we should not only do it in the future. But it is not only that we can’t do it in the future; we can’t afford to do it in the future. If we are going to uphold our responsibility to defend this country, to serve this country, then we not only have the right to change our procedures; we have the responsibility to make these changes. I think this bill fulfills that responsibility in a very small manner, but it could be very important.

I yield back the balance of my time.

Ms. CHU. I yield back the balance of my time.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILBRAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

H7040

CONGRESSIONAL RECORD — HOUSE

September 28, 2010
(S. 3847) to implement certain defense trade cooperation treaties, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3847
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 “Security Cooperation Act of 2010.”

SEC. 101. SHORT TITLE.
This title may be cited as the “Defense Trade Cooperation Treaties Implementation Act of 2010.”

SEC. 102. EXEMPTIONS FROM REQUIREMENTS.
(a) RETRANSFER REQUIREMENTS.—Section 3(b) of the Arms Export Control Act (22 U.S.C. 2753(b)) is amended by inserting “a treaty referred to in section 38(j)(1)(C)(i) of this Act permits such transfer without prior consent of the President, or if” after “if”.

(b) BILATERAL AGREEMENT REQUIREMENTS.—Section 38(j)(1) of such Act (22 U.S.C. 2778(j)(1)) is amended—

(1) in the subparagraph heading for subparagraph (B), by inserting “FOR CANADA” after “FOREIGN”;

(2) by adding at the end the following new subparagraph:

“(C) EXCEPTION FOR DEFENSE TRADE COOPERATION TREATIES.—

“(1) IN GENERAL.—The requirement to include a bilateral agreement in accordance with subparagraph (A) shall not apply with respect to an exemption from the licensing requirements of this section for the export of defense articles and defense services to Malaysia, as defined in the United Kingdom Military List or Annex 4 to the United Kingdom Dual Use List, or any successor lists thereto; and

“(2) by adding at the end the following new subparagraph:

“(C) EXCEPTION FOR DEFENSE TRADE COOPERATION TREATIES.—

“(1) IN GENERAL.—The requirements specified in subsection (a) shall apply to any amendment to a treaty referred to in subsection (j)(1)(C)(i) or any rule or regulation issued under such subsection, unless the treaty has been entered into pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act, for which purpose such notification shall contain information comparable to that specified in paragraph (1) of this subsection.”.

SEC. 103. ENFORCEMENT.
(a) CRIMINAL VIOLATIONS.—Section 38(c) of such Act (22 U.S.C. 2778(c)) is amended by striking “this section or section 39, or any rule or regulation issued under either section” and inserting “this section, section 39, or any rule or regulation issued under this section or section 39, including any rule or regulation issued to implement or enforce a treaty referred to in subsection (j)(1)(C)(i) or any implementing arrangement pursuant to such treaty”.

(b) ENFORCEMENT POWERS OF PRESIDENT.—Section 38(e) of such Act (22 U.S.C. 2778(e)) is amended by striking “defense services,” and inserting “defense services, including defense articles and defense services exported or imported pursuant to a treaty referred to in subsection (j)(1)(C)(i).”

(c) NOTIFICATION REGARDING EXEMPTIONS FROM LICENSING REQUIREMENTS.—Section 38(f) of such Act (22 U.S.C. 2778(f)) is amended by adding at the end the following new paragraph:

“(d) Paragraph (2) shall not apply with respect to an amendment referred to in subsection (j)(1)(C)(i) to give effect to a treaty referred to in subsection (j)(1)(C)(i) and any implementing arrangements to such treaty, provided that the United States implements and enforces such treaty under this section and section 39.”.

(d) INCENTIVE PAYMENTS.—Section 39(a) of such Act (22 U.S.C. 2789(a)) is amended by inserting “or exported pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act” after “under this Act”.

SEC. 104. COMMERCIAL LICENSING OR MANUFACTURING LICENSING AGREEMENTS.
(a) RETRANSFER RECKONED.—Section 3(d)(3)(A) of such Act (22 U.S.C. 2753(d)(3)(A)) is amended by inserting “or ‘exported pursuant to a treaty referred to in subsection (f)(1), and (m) as it pertains to all of the subcategories cited in this paragraph.”.

(b) DISCRIMINATION.—Section 5(c) of such Act (22 U.S.C. 2765(c)) is amended by inserting “or ‘exported pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act’ after ‘under this Act’.”

(c) ANNUAL ESTIMATE OF SALES.—Section 38(f) of such Act (22 U.S.C. 2778(f)) is amended by inserting “as it pertains to (f)(1), and (m) as it pertains to all of the subcategories cited in this paragraph.”.

(d) DEPARTMENT OF STATE NOTIFICATION.—(1) RETRANSFER REQUIREMENTS.—Section 3(d)(4)(A) of such Act (22 U.S.C. 2753(d)(4)(A)) is amended by inserting “or export pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act,” after “commercial exports under this Act’; and

(2) BY ADDING AT THE END THE FOLLOWING NEW PARAGRAPH:

“(C) EXCEPTION FOR DEFENSE TRADE COOPERATION TREATIES.—

“(1) IN GENERAL.—The requirements specified in subsection (a) shall apply to any amendment to a treaty referred to in section 38(j)(1)(C)(i) of this Act, for which purpose such notification shall contain information comparable to that specified in paragraph (1) of this subsection.”.

(2) COMMERCIAL TECHNICAL ASSISTANCE OR MANUFACTURING LICENSING AGREEMENTS.—Section 36(d) of such Act (22 U.S.C. 2776(d)) is amended by adding at the end the following new paragraph:

“(D) THE PRESIDENT SHALL NOT NOTIFY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE CHAIRMAN OF THE COMMITTEE ON FOREIGN RELATIONS OF THE SENATE OF ANY IMPLEMENTING ARRANGEMENT TO WHICH THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION WOULD APPLY WHILE AN EXEMPTION GRANTED UNDER SECTION 38(j)(1) OF THIS ACT, FOR WHICH PURPOSE SUCH NOTIFICATION SHALL CONTAIN INFORMATION COMPARABLE TO THAT SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.”.

SEC. 105. LIMITATION ON IMPLEMENTING ARRANGEMENTS.
(a) IN GENERAL.—No amendment to an implementing arrangement pursuant to a treaty referred to in section 38(j)(1)(C)(i) of the Arms Export Control Act, as added by this Act, shall enter into effect for the purposes of this Act unless the President notifies the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate at least 15 days prior to the entry into effect of such amendment for purposes of this Act, and there is enacted, legislation approving the entry into effect of such amendment for the United States.

(b) COVERED AMENDMENTS.—

(1) IN GENERAL.—The requirements specified in subsection (a) shall not apply to any amendment other than an amendment that solely addresses administrative or technical matters.

(2) U.S.-UK IMPLEMENTING ARRANGEMENT.—In the case of the Implementing Arrangement Pursuant to the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, signed at Washington February 14, 2008, amendments to which the requirements specified in subsection (a) apply shall include—

(A) any amendment to section 2, paragraph (2), or (3) of the Convention governing operations, programs, and projects to which the treaty applies;
Government approval is required for the retransfer or re-export of a defense article, or to exceptions to such requirement; and

(ii) any amendment to section 11, paragraph (6) that modifies the conditions for suspending or removing a United Kingdom entity from the approved community under the treaty.

(b) any amendment to section 3, paragraphs (1) or (2) that modifies the criteria governing end-use requirements and the requirements for approved community members responding to United States Government solicitations;

(c) any amendment to section 4, paragraph (4) that modifies the criteria for including items on the list of defense articles exempt from the treaty;

(d) any amendment to section 4, paragraph (7) that modifies licensing and other applicable requirements relating to items added to the list of defense articles exempt from the scope of the treaty;

(e) any amendment to section 7, paragraph (4) that modifies the criteria for eligibility in the approved community under the treaty for nongovernmental United Kingdom entities and facilities;

(f) any amendment to section 7, paragraph (9) that modifies the conditions for suspending or removing a United Kingdom entity from the approved community under the treaty;

(g) any amendment to section 7, paragraphs (11) or (12) that modifies the circumstances under which individuals may be granted access to defense articles exported under the treaty;

(h) any amendment to section 9, paragraphs (1), (3), (7), (8), (9), (12), or (13) that modifies the circumstances under which United States Government approval is required for the retransfer or re-export of a defense article, or to exceptions to such requirement; and

(i) any amendment to section 11, paragraph (4)(b) that modifies the conditions of entry to the United Kingdom community under the treaty.

(3) UNITED STATES IMPLEMENTING ARRANGEMENTS.—(a) IN GENERAL.—The President is authorized to issue regulations pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.), to implement and enforce the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, executed at Washington and London on June 21 and 26, 2007 (and any implementing arrangement thereto) and the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007 (and any implementing arrangement thereto), consistent with other applicable provisions of the Arms Export Control Act, as amended by this Act, and with the terms of any resolution of advice and consent adopted by the Senate with respect to either treaty.

(b) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

TITLE III—OTHER MATTERS

SEC. 301. EXPEDITED CONGRESSIONAL DEFENSE EXPORT REVIEW PERIOD FOR ISRAEL.

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(a) by striking section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as in effect on September 28, 2010, and inserting in lieu thereof—

(1) the text of the amendment; and

(2) an analysis of the amendment’s effect, including an analysis regarding why subsection (a) does not apply.

(b) TRANSFER BY SALE.—The President is authorized to transfer vessels to foreign countries on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2751).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to a foreign country pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(d) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e))).

SEC. 302. EXTENSION OF WAR RESERVES STOCKPILE AUTHORITY.

(a) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005.—Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1101) is amended by striking “more than 4 years after” and inserting “more than 5 years after”.


SEC. 303. LIGHTER THAN AIR PERSONNEL.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. Berman) and the gentleman from New Jersey (Mr. Biliray) each will control 20 minutes.

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise
and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.  Mr. BERMAN. Mr. Speaker, I rise in support of the bill, and I yield myself such time as I may consume.

Mr. Speaker, the bill before us, the Security Cooperation Act of 2010, has three major components. First, it includes key legislation on defense trade treaties between the United States and two of our closest allies, the United Kingdom and Australia. These treaties support the longstanding special relationship shared by the U.S., the United Kingdom, and Australia by streamlining the processes for transferring certain controlled items among our items to support combined military and counterterrorism operations, cooperative security and research, and other defense projects. The implementing legislation also provides a clear statutory basis for enforcement of the treaties, including the prosecution of those who violate their requirements.

Second, S. 3847 gives Israel the same status as our NATO allies Australia, Japan, New Zealand and South Korea with regard to the length of the congressional review period for U.S. arms sales. The security relationship between the U.S. and Israel is vital and strong, and Israel deserves the same treatment as these other nations.

Finally, the bill authorizes the transfer by grant and sale of excess naval vessels to India, Greece, Chile, Morocco, and Taiwan to better assist them with their legitimate defense needs, and in so doing strengthens our relationship with these nations.

Mr. Speaker, I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the chairman’s item. Let me say as probably the only Member of Congress of Australian ancestry, I want to point out that the British, we might have had a couple of run-ins with the British every once in a while over the last few centuries, but the only country, the only country that fought in every war in the last century and this last century alongside the United States was those men and women from Australia.

I am very proud to be able to serve here in Congress and be able to support this legislation. Mr. Speaker, I think that we just have to remember that too often we take our allies for granted, our truly close friends, who are close to us in many ways. But in some of us, it is closed relationships, and I hope that somewhere I can be able to stick this to my cousins in Queensland, Australia, and point out that I was here to at least speak in favor of this bill.

Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH), and I ask unanimous consent that he be allowed to continue.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.  Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of this important national security measure. Mr. Speaker, this legislation is comprised of three components. First, it authorizes the transfer of certain naval vessels to U.S. friends and allies abroad, including India, Greece and Taiwan. It also includes language previously adopted by the House that strengthens the U.S. commitment to the security of the Jewish state of Israel by expediting the process for approving foreign military sales to that country and by extending the dates and the amounts of U.S. excess equipment that can be transferred to Israel from regional stockpiles.

Thirdly, it provides a statutory basis for the President to implement defense trade cooperation treaties signed between the government of the United States and the governments of the U.K. and Australia. These treaties represent a fundamental shift in the way the United States conducts defense trade with its closest allies.

Rather than reviewing export licenses, the Senate establishes a structure in which trade in defense articles, technology, and services can take place more freely between approved communities in the United States, the United Kingdom, and Australia where such trade is in support of combined military and counterterrorism operations, joint research and development, production and support programs, and mutually agreed upon projects where the end user is the U.K., the Australian Government, or U.S. Government end users.

Mr. Speaker, I yield back the balance of my time.

Mr. BERNAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERNAN) that the House suspend the rules and pass the bill, S. 3847.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CALLING ON JAPAN TO ADDRESS CHILD ABDUCTION CASES

Mr. BERNAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1326) calling on the Government of Japan to immediately address the growing problem of abduction to and retention of United States citizen children in Japan. The petition states that Japan has not cooperated with the Government of the United States to return these children to their custodial parent or to the original jurisdiction for a custody determination. Abductions of United States citizen children to Japan work closely with the Government of the United States to return these children to their custodial parent or to the original jurisdiction for a custody determination. Abductions of United States citizen children to Japan work closely with the Government of the United States to return these children to their custodial parent or to the original jurisdiction for a custody determination. Abductions of United States citizen children to Japan work closely with the Government of the United States to return these children to their custodial parent or to the original jurisdiction for a custody determination.

Whereas the Government of Japan has not acceded to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (the Hague Convention), resulting in the continued abduction of United States citizen children to Japan where they are being held in violation of any children [Article 23]';

Whereas the United States Congress is not aware of any legal decision that has been issued and enforced by the Government of Japan to return a single abducted child to the United States;

Whereas Japan has not acceded to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (the Hague Convention), resulting in the continued abduction of United States citizen children to Japan where they are being held in violation of any children [Article 23]';

Whereas the United States Congress is not aware of any legal decision that has been issued and enforced by the Government of Japan to return a single abducted child to the United States;

Whereas Japan has not acceded to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (the Hague Convention), resulting in the continued abduction of United States citizen children to Japan where they are being held in violation of any children [Article 23]';

Whereas the United States Congress is not aware of any legal decision that has been issued and enforced by the Government of Japan to return a single abducted child to the United States;

Whereas Japan has not acceded to the 1980 Hague Convention on the Civil Aspects of International Child Abduction (the Hague Convention), resulting in the continued abduction of United States citizen children to Japan where they are being held in violation of any children [Article 23]';

Whereas the United States Congress is not aware of any legal decision that has been issued and enforced by the Government of Japan to return a single abducted child to the United States;
criminal when that parent or relative abducts the child into Japan, but has prosecuted cases of foreign nationals removing Japanese children from Japan;

Whereas the United States Department of State’s April 2009 Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction and Family Rights Violations highlights serious emotional, psychological, and physical problems experienced by a large number of abducted children, both in the United States and Japan; and

Whereas, on October 16, 2009, the Ambassadors to Japan of Australia, Canada, France, Italy, New Zealand, Spain, the United States, and the United Kingdom, along with the parties to the Hague Convention, called upon Japan to adhere to the Hague Convention and, in particular, to facilitate the delivery of California 6-year-old David Goldman to his father, thus ensuring immediate access and communication for all children with their left-behind parents.

Whereas, on January 30, 2010, the Ambassadors to Japan of Australia, France, New Zealand, the United Kingdom, the United States, the Chargés d’Affaires ad interim of Canada and Spain, and the Deputy Head of Mission of Italy, called on Japan’s Minister of Foreign Affairs, submitted their concerns over the increase in international parental abduction cases involving Japan and the United States, and again urged Japan to sign the Hague Convention;

Whereas the Government of Japan has recently created a new office within the Ministry of Foreign Affairs to address parental child abduction and a bilateral commission with the Government of the United States to share information on and seek resolution of outstanding Japanese parental child abduction cases; and

Whereas it is critical for the Governments of the United States and Japan to work together to prevent future incidents of international parental child abduction to Japan, which damages children, families, and Japan's national image with the United States:

Resolved, that—

(1) the House of Representatives—

(A) condemns the abduction and wrongful retention of all children held in Japan away from their United States parents;

(B) calls on the Government of Japan to immediately facilitate the resolution of all abduction cases, to recognize United States court orders governing persons subject to jurisdiction of United States courts, and to make immediately possible access and communication for all children with their left-behind parents;

(C) calls on the Government of Japan to include Japan’s Ministry of Justice in work with the Government of the United States to facilitate the identification and location of all United States citizens and the United States citizens whom have been wrongfully removed to or retained in Japan and for the immediate establishment of procedures and a timetable for the resolution of outstanding cases of abduction, interference with parental access to children, and violations of United States court orders;

(D) calls on the Government of Japan to review its advisory services made available to United States citizens in Japan and in many cases in direct violation of a valid U.S. court order. Steps need to be taken immediately to help facilitate dialogue, visitation, and greater access for the left-behind parents with their children.

(E) calls on the President of the United States and the Secretary of State to continue raising the issue of abduction and wrongful retention of those United States citizen children in Japan with Japanese officials and domestic and international press; and

(F) calls on the President of the United States and the Secretary of State to continue raising the issue of abduction and wrongful retention of those United States citizen children in Japan with Japanese officials and domestic and international press;

(G) calls on the Secretary of State to establish procedures with the Government of Japan to resolve immediately any parental child abduction or access issue reported to the United States Department of State;

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. Berman) and the gentleman from New Jersey (Mr. Smith) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. Berman).

Mr. Berman. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. Berman. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I am in strong support of this resolution. It is a bipartisan resolution, and if I might just take a second to mention that the two real leaders in the movement to this resolution and in pushing the underlying issue, a very important issue in the United States and in Japan, are on the floor, both I believe to speak on this resolution.
Frankly, Mr. Speaker, American paternity has finally run out. At present, at least 136 American children are being held in Japan against the wishes of their American parent, and in many cases, in violation of valid U.S. court orders. According to the Department of Defense, in 2009 alone—and we just got this by way of a report—10 American children were abducted to Japan from members of the U.S. Armed Forces. That’s in 2009 alone. It is simply unacceptable and unconscionable that today Japan still has no mechanism to equitably issue and enforce a return or visitation order for children. It is intolerable that the lawless and damaging act of child abduction goes unpunished in a civilized nation. When an American parent who has taken every legal precaution to ensure their child is not abducted realizes that his or her child has disappeared, their heart breaks and a lifetime of pleading for the return of their children’s father, the Japanese Government will not enforce any access or communication with his children.

Mr. Speaker, for 50 years we have seen all talk and no action on the part of the Japanese Government. Japan has never issued and enforced a legal decision to return a single American child. The circumstances of each particular abduction seem not to matter. Once in Japan, the abducting parent is untouchable and the children are bereft of their American parent for the rest of their childhood. In Canada, Italy, New Zealand, Spain, and the United Kingdom, the abducting parent is caught. In light of the misuse of Japanese consulates in the Elias case, H. Res. 1326 calls upon Japan to immediately and urgently establish a process for the resolution of abduction and wrongful retention of American children. Japan must find the will to establish today a process that would justly and equitably end the cruel separation currently endured by parents and children alike.

Likewise, Sergeant Michael Elias has not been visited by his daughter, Melissa, who now feels that she can abduct their children’s father without fear of consequence, the Japanese Government, because we haven’t done enough to work out some way of reuniting his family. While stationed in Japan, he met the woman he believed to be Melissa’s mother, in violation of a Los Angeles Superior Court order giving both parents access to the child and prohibiting international travel with the child by either parent. Mr. Braden has been unjustly cut off from his daughter by the covert illegal actions of the mother and daily worries that his daughter is being abused by a grandparent who has a history of such abuse.

Their marriage came to an end in 2006, with a judge granting both parents custody and requiring the surrender of the children’s American and Japanese passports because their mother had threatened to abduct the children. Tragically, the Japanese consulate in the Elias case has failed to return the children in violation of the valid U.S. court orders restricting travel and in violation of U.S. federal criminal parental kidnapping statutes. Sergeant Elias has not seen his children since 2006. If the Japanese Government has done nothing to assist in their return or in the return of Patrick Braden’s daughter, and the list goes on. Chris Savoie’s children, Isaac and Rebecca Savoie, were abducted in 2009 to Japan by their mother, in violation of a Tennessee State order of joint custody and in violation of Tennessee statutes. As a result of this actions, Mr. Savoie has been awarded sole custody of the children, but Japan will not recognize either the joint custody or the sole custody award. Although Chris is the children’s father, the Japanese Government will not enforce any access or communication with his children.

Mr. Speaker, for 50 years we have seen all talk and no action on the part of the Japanese Government. Japan has never issued and enforced a legal decision to return a single American child. The circumstances of each particular abduction seem not to matter. Once in Japan, the abducting parent is untouchable and the children are bereft of their American parent for the rest of their childhood. In Canada, Italy, New Zealand, Spain, and the United Kingdom, the abducting parent is caught. In light of the misuse of Japanese consulates in the Elias case, H. Res. 1326 calls upon Japan to immediately and urgently establish a process for the resolution of abduction and wrongful retention of American children. Japan must find the will to establish today a process that would justly and equitably end the cruel separation currently endured by parents and children alike.

H. Res. 1326 also calls on Japan to join the Hague Convention on the Civil Aspects of International Child Abduction. The Convention sets out the international norms for resolution of abduction and wrongful retention cases and would create a framework to quickly resolve future cases—and would act as a deterrent to parents who now feel that they can abduct their child to Japan and never be caught. In light of the misuse of Japanese consulates in the Elias case, H. Res. 1326 also calls on Japan to ensure that its consulates are not accessory to parental kidnapping. Japan must put into place a system that stops the issuing or reissuing of passports without the explicit and verifiable consent of the American parent.

Finally, Japan must recognize the terrible damage to children and families caused by international child abduction. Children who have suffered an abduction are at risk of serious emotional and psychological problems and have been found to experience anxiety, eating disorders, memory lapses, sleep disturbances, aggressive behavior, resentment, guilt, and fearfulness, and as adults may struggle with identity issues, their own personal relationships, and parenting.

I urge my colleagues to support H. Res. 1326, calling on Japan to end the child abuse of international child abduction.

I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Tennessee will control the time.

There was no objection.

Mr. MORAN of Virginia. Mr. Speaker, I am pleased at this time to yield 10 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. Speaker, the United States and Japan have a strong and critical alliance. It is based on shared values and interests and values and our common support for political and economic freedoms, human rights, and international law. Japan, for example, is second to none in supporting President Barack Obama’s vision of a “world without nuclear weapons,” and advocating for nuclear disarmament and nonproliferation. Japan has also recently doubled its civilian aid to Afghanistan, helping in our mission there to a great and important extent.

But, Mr. Speaker, this resolution involves 214 cases involving more than 300 American children who have been abducted to Japan and/or wrongfully retained in Japan. These American children are held in Japan because they were kidnapped by a parent with Japanese citizenship. Despite a shared concern within the international community, the Japanese Government has yet to accede to the 1980 Hague Convention on the Civil Aspects of International Child Abduction or create any other mechanism to resolve international child abductions.

Japan’s existing child custody system, which date back to the 1600s, neither recognizes joint custody nor actively enforces parental access agreements that have been adjudicated by United States courts. Essentially, American parents must beg to see their abducted children and have no legal recourse if the taking parent decides to deny them access. That’s wrong. In no case has the Japanese Government facilitated the return to a parent outside their country.

So the intent of this resolution is to bring the plight of these parents to the forefront of the public consciousness. It calls on the Japanese Government to ratify the 1980 Hague Convention on the Civil Aspects of International Child Abduction so that Japan will commit to a process that will return abducted children to their custodial parent in the United States and elsewhere, where appropriate, or otherwise immediately at least allow access to their non-Japanese parent.

The Japanese Government doesn’t consider it a crime and will not prosecute a Japanese citizen that abducts a
child and moves the child across national borders, which essentially makes Japan complicit in what many foreign governments consider to be a crime, including the United States Government, which considers it kidnapping.

Mr. SMITH. Japan does, however, prosecute cases of foreign nationals who remove Japanese children from Japan, which violates any basic sense of fairness. So they apply a different law if somebody abducts a child from Japan than they apply if somebody abducts a child from the United States or from another foreign country and brings the child to Japan, where they have from the law. It is infuriating to learn, frankly, that Japanese officials have issued travel documents and passports to these abductors in defiance of previously established U.S. custody orders. In some cases, they have given false names to the children being kidnapped to Japan, issuing false passports so that they are directly complicit in these abductions.

Now, there are numerous heart-breaking abduction stories. Yet the stories are all able just going to mention a few because Mr. SMITH went into several.

One case, though, in particular, which I want to underscore involves a case from my district in Virginia, which is right across the river from the Nation's Capital. It involves a Japanese mother who, for fear of what might happen to her child, has to request that her name not be used. Her husband, who is not Japanese, fled to Japan because he is a lawyer, and he knew that he would find safe haven from Virginia court orders in violation of U.S. law. So, here, he kidnapped a child from a Japanese mother, knowing that he could take the child to Japan and that he would find haven there from the court orders of the United States, and not even have to allow access of the child to the mother.

It gets even worse.

Despite having no contact with her children, this woman has to continue to pay child support, and the address on the payment statement is the only connection she has with her children. That is wrong.

Mr. SMITH mentioned the Braden case. Melissa Braden was secretly abducted in 2003 from Negishi and not even have to allow access of the child to the mother.

There is the case of Erika Toland, who was abducted just about a year and a half ago, in December of 2008, from New Jersey. It was in violation of another court order prohibiting the removal of the children from the State of New Jersey. Yet the child was taken out of the country. The mother's father tries desperately to have contact with his children, but he is forbidden to have that contact. This father needs to be mentioned specifically. Here is an Iraqi war veteran. He was shot twice in the service of our country. He was dragged from a vehicle that had been destroyed by a mine, and he returned home only to find an empty home and his children abducted. Right now, without this resolution's achieving its objective, he will have very little hope in ever seeing or hearing from his children again.

So, as tragic as these cases are, more are developing as we speak. According to the State Department, there are about 1,000 cases of parental child abduction to Japan, at the Office of Children's Bureau, at the Department of State and the Congress to get behind parents and abducted children gathered in front of the Japanese Embassy. I have to tell you, as a father of four, I was moved to tears when a group of left-behind parents and people concerned about left-behind parents and children gathered in front of the Japanese Embassy.

We need the tools at the State Department, at the Office of Children’s Issues, to more effectively promote the interests of American parents and of American abducted children. I’ve introduced legislation, and my good friend JIM MORAN is one of the cosponsors. It is legislation which would comprehensively give the Administration real tools to make the government-to-government fight rather than a David versus Goliath fight, where it is one individual fighting a court system and a government in a faraway land.

Paul Toland walked into my office, who is JIM MORAN'S constituent—who walked into his office as well—and we have both been trying to help him. Here is a man who served honorably as a commander in the United States Navy; and for over 6 years, close to 7 years, he has not seen his daughter. As my good friend and colleague pointed out, the grandmother has custody. Just like David Goldman, his wife had been abducted to Brazil, and somebody else had custody of his child. Paul Toland’s case is similar.

Patrick Braden invited me down to the Japanese Embassy. I have to tell you, as a father of four, I was moved to tears when a group of left-behind parents and people concerned about left-behind parents and children gathered in front of the Japanese Embassy.

So what did Patrick do?

In a very dignified and very respectful way, he requested that he at least get to see his child. It was her birthday that day. There was a birthday cake to Melissa, who was halfway around the world. We all sang Happy Birthday, and he blew out the candles. He was missing her again for another year. It goes on and on.

This has to be resolved, Mr. Speaker. We need our President, our Secretary of State and the Congress to get behind these left-behind parents and to get behind bringing back our abducted children. If there is a custody issue, resolve it in the courts of habitual residence.
in the way the Japanese Government deals with this. They are a safe harbor for child abductors, and that brings dishonor to the government, in my opinion.

Mr. MORAN of Virginia. Will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman.

Mr. MORAN of Virginia. I appreciate your mentioning Mr. Toland. He, for 2 years, has worked with our office day in and day out. He will not give up on his child, but he has made it clear we now are his only hope and that of more than 100 parents who are desperate to see their children. They have been denied. Thank you for particularly mentioning Mr. Toland.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of New Jersey. I yield myself the balance of my time to conclude.

I want to thank my friend for his leadership on this. This is a bipartisan issue. This is a human rights issue of American parents and of American children. We rightfully speak out on human rights abuses in China and Darfur and all over the world whenever and wherever they occur. This is a human rights abuse that’s occurring against our own families, and our government—and this goes through successive administrations, Republican and Democrat—does not do enough.

You know, I don’t think how many you have ever seen that Seinfeld episode with the Penske file which gets moved around from left to right and George doesn’t do anything of, really, substance with it. We have very good people at the State Department who have these files in hand that would love to do more but they lack the tools. They lack the ability authorized by this Congress and by law to take it to the next level.

This is a government-to-government fight. Had it not been for the Congress rallying around David Goldman, Sean Goldman would still be in Brazil today because there would have been another appeal in the court and another appeal. They run out the clock and then the child is an adult. That’s what is happening to all 2,800 American abducted children. The abductors are playing a game, a very dangerous game; and in my view, Mr. Toland, it’s a very dangerous game. He will not give up on his child, and says we mean business. This is a human rights issue, we want to do more but they lack the tools to do more but they lack the tools.

Japanese law takes seriously the expressions of concern from Members of this body, and I believe those efforts should be recognized.

By the way, I have the honor of being a member of an Australian family that has been through the same process as the Goldman family.

Mr. FALKOMAVAEGA. Mr. Speaker, I rise today to express my support and sympathy for U.S. parents who are not able to see their children, when those children are in the custody of other family members in another country. I am committed to doing everything I can to help these parents be reunited with their children. Our children are our most precious legacy. If we adopt H. Res. 1326 today, we will undermine the progress that has been made by our Government and the Government of Japan on this extremely important matter.

On April 5, I cosigned a letter to Japan’s Foreign Minister, a letter authored by our Committee’s distinguished Chairman, Mr. Berman, requesting that the Government of Japan provide us a status report on its actions in this matter. Then, on May 12, I chose to cosponsor H. Res. 1326.

My intention was—to cosigning the Chair’s letter and co-sponsoring this resolution—to provide additional incentive to the Government of Japan to work with our government in trying to find ways to bring U.S. parents together with their children in Japan.

I am pleased to inform you that in the past four months—thanks in large part to the leadership and dedication of my colleagues and friends, Mr. Moran and Mr. Smith—significant progress has been made. In that time, the Government of Japan has taken serious steps to address this matter and to lay the groundwork for an ongoing process, in close cooperation with the Government of the United States.

On August 11, I received a copy of Japan’s response to our letter. The response makes it clear that the Government of Japan realizes there is more to be done by both of our governments, but the response also shows Japan has certainly taken some significant first steps.

I seek unanimous consent to submit for the RECORD a copy of Japan’s response describing the new and specific efforts to deal with this issue, from the standpoint that the welfare of the child should be of utmost importance. We are well aware of and sympathetic to the plight of children and families who have been affected by unfortunate child custody disputes involving Japanese and American citizens, and we are accelerating our efforts to deal with this issue, from the standpoint that the welfare of the child should be of utmost importance. We are well aware of and sympathetic to the plight of children and families who have been affected by unfortunate child custody disputes involving Japanese and American citizens.

Your mentioning Mr. Toland. He, for 2 years, has worked with our office day in and day out. He will not give up on his child, but he has made it clear we now are his only hope and that of more than 100 parents who are desperate to see their children. They have been denied. Thank you for particularly mentioning Mr. Toland.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of New Jersey. I yield myself the balance of my time to conclude.

I want to thank my friend for his leadership on this. This is a bipartisan issue. This is a human rights issue of American parents and of American children. We rightfully speak out on human rights abuses in China and Darfur and all over the world whenever and wherever they occur. This is a human rights abuse that’s occurring against our own families, and our government—and this goes through successive administrations, Republican and Democrat—does not do enough.

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Japanese law takes seriously the expressions of concern from Members of this body, and I believe those efforts should be recognized.

By the way, I have the honor of being a member of an Australian family that has been through the same process as the Goldman family.
are some restrictions from the viewpoint of the child’s best interest, the parties may request the family court to order a court order to order compulsory payment to enforce the Court of Child, and request the court to order compulsory payment to enforce court order on visitation, depending on the facts of each case. There have been many cases involving the return of children and visitation were successfully implemented under the current system.

In addition, there have been cases where US embassy officials were unable to resolve child custody matters but sought and received assistance from Ministry of Foreign Affairs of Japan (MOFA). In these instances, the Japanese government and courts took measures to enforce the custody orders. However, the MOFA officials made diligent and even intensive efforts to convey the US government’s request to the Japanese parents in question and/or their lawyers through all appropriate means and methods in order to make sure that every effort would lead to a normal life, including facilitating education and care for the children of their religion.

Whereas according to the United Nations-brokered Vienna III Agreement of August 2, 1975, “Greek-Cypriots in the north of the island were given the right to every help to lead a normal life, including facilities for education and for the practice of their religion...”

Whereas according to the Secretary General’s Report on the United Nations Operation in Cyprus in June 1996, the Greek Cypriot seen on the route of the capital in the northern part of the island “were subjected to severe restrictions and limitations in many basic freedoms, which had the effect of ensuring that instead of living in peace, the communities would cease to exist.”

Whereas the future existence and historic Greek Cypriot, Maronite, and Armenian communities are now in grave danger of extinction;

Whereas the Abbey of the Monastery of the Apostle Barnabas is routinely denied permission to arrange the monastic ceremonies at the monastery of the Church of Cyprus and the Bishop of Karpash has been refused permission to perform the Easter Service for the few enclaved people in his occupied diocese;

Whereas there are only two priests serving the religious needs of the enclaved in the Karpas peninsula. All churches are not allowed access to any of their religious sites or income generating property, and Maronites are unable to celebrate the mass daily in many churches;

Whereas in the past Muslim Alevis were forced out of their place of prayer and until recently were denied the right to build a new place of worship;

Whereas under the Turkish occupation of northern Cyprus, religious sites have been systematically destroyed and a large number of religious and archaeological objects illegally looted, exported, and subsequently sold or traded in international art markets, including an estimated 16,000 icons, mosaics, and mural decorations stripped from most of the churches, and 60,000 archaeological items dating from the 6th to 20th centuries;

Whereas according to the European Court of Human Rights for violations of Article 13 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, Turkey was responsible for continuing human rights abuses under the European Convention on Human Rights throughout its 27-year military occupation of northern Cyprus, including restricting freedom of movement for Greek Cypriots and limiting access to their places of worship and participation in other aspects of religious life;

Whereas the European Court further ruled that Turkey’s responsibility covers the acts of soldiers and subordinate local administrators because the occupying Turkish forces have effective control over the northern part of the Republic of Cyprus;

Whereas in March 2008, President Christofias and former Turkish Cypriot leader Sıfakas took the initiative to create the “Technical Committee on Cultural Heritage” with a mandate to engage in “serious work” to
Mr. SMITH. Madam Speaker, I am pleased to yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Thank you, Mr. Chairman. I thank the gentlewoman for yielding.

Mr. Speaker, I thank you so much to the gentleman from Tennessee for introducing this resolution. And I thank the gentlewoman from New York for her leadership in other resolutions in this area.

This is a resolution which we have had in the past. It is a resolution which I am pleased to support. I feel that it is important to come together, we in this Congress, to speak out against the destruction of religious sites and immediately cease all restrictions on freedom of religion for the enclosed Cypriots.

The SPEAKER pro tempore. The gentleman from Tennessee (Mr. TANNER) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. TANNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to review and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Resolved, That the House of Representatives—
(1) expresses appreciation for the efforts of those countries that have restored religious property wrongly confiscated during the Turkish occupation of northern Cyprus;
(2) welcomes the efforts of many countries to address the complex and difficult question of the status of illegally confiscated religious artifacts, and urges those countries to continue to ensure that these items are restored to the Republic of Cyprus in a timely, just manner;
(3) welcomes the initiatives and commitment of the Republic of Cyprus to work to restore and maintain religious heritage sites;
(4) urges the Government of Turkey to:—
(A) immediately implement the United Nations Security Council Resolutions relevant to Cyprus as well as the judgments of the European Court of Human Rights;
(B) work to retrieve and restore all lost artifacts and immediately halt destruction on religious sites, illegal archaeological excavations, and traffic in icons and antiquities; and
(C) allow for the proper preservation and reconstruction of destroyed or altered religious sites and immediately cease all restrictions on freedom of religion for the enclosed Cypriots;
(5) calls on the United States Commission on International Religious Freedom to address the concerns and actions called for in this resolution with the Government of Turkey, OSCE, the United Nations Special Rapporteur on Freedom of Religion or Belief, and other international bodies or foreign governments;
(6) calls on the President and the Secretary of State to include information in the annual International Religious Freedom and Human Rights Reports that detail the violations of religious freedom and humanitarian law including the continuous destruction of property, lack of justice in restitution, and restrictions on access to holy sites and the ability of the enclosed to freely practice their faith;
(7) calls on the State Department Office of International Religious Freedom to investigate and make recommendations on violations of religious freedom in the areas of northern Cyprus under control of the Turkish military;
(8) calls on the President and the Secretary of State to include information in the annual International Religious Freedom and Human Rights Reports that detail the violations of religious freedom and humanitarian law including the continuous destruction of property, lack of justice in restitution, and restrictions on access to holy sites and the ability of the enclosed to freely practice their faith;
(9) urges OSCE to ensure that member states not receive stolen Cypriot art and antiquities; and
(10) urges OSCE to press the Government of Turkey to abide by its international commitments by calling on it to work to retrieve and restore all lost artifacts, to immediately halt destruction on religious sites, illegal archaeological excavations, and traffic in icons and artifacts for the protection of religious and cultural property in Cyprus.

The Turkish military, which continues to illegally occupy northern Cyprus, has overseen the systematic destruction of religious sites and the illegal looting of a large number of religious and archaeological objects. When northern Cyprus was invaded, churches were left open to looters and vandals. The Turkish forces, though required to secure the religious sites by several conventions to which it is a signatory, failed to do so.

Around 500 churches, monasteries, convents, and other religious sites belonging to Greek Cypriots, Armenians, and Maronites have been desecrated, pillaged, looted, and destroyed, including one Jewish cemetery. Eighty Christian churches have been converted into mosques; 28 are being used by the Turkish army as stores and barracks, and many others are used for other nonreligious purposes such as coffee shops, hotels, public baths, nightclubs, stables, theaters, and bars.

Since 2004, at least 15 churches have been leveled, such as St. Catherine’s Church in the district of Famagusta, which was bulldozed in mid-2008. Additionally, the Church of the Holy Virgin in the site of Trachonas was used as a dancing studio until the Turkish occupiers built a road that destroyed part of it in March 2010. And the Church of the Templars was converted into a nightclub. These are a few examples of the destruction that has been overseen by the Turkish military, if not directly perpetrated by it.

Mr. Speaker, this resolution urges the Government of Turkey to immediately implement the United Nations Security Council resolutions relevant to Cyprus, as well as the judgments of the European Court of Human Rights, by retrieving and restoring all lost artifacts and immediately halting destruction on religious sites, stopping illegal archaeological excavations, and ceasing to traffic in icons and antiquities.

Further, proper preservation and reconstruction of destroyed or altered religious sites must immediately take place, and all restrictions on freedom of religion for the enclosed Cypriots must end.

Mr. Speaker, I hope the beginning of the next 50 years of Cyprus’ statehood is marked by the immediate removal of the Turkish occupation forces, followed by immediate reunification of the island nation in which respect for human rights and fundamental freedoms for all Cypriots is a reality.

I urge swift passage of this resolution.
Madam Speaker, I rise in strong support of H.R. 1631, a resolution calling for the protection of religious sites and artifacts in Turkey-occupied areas of northern Cyprus. I joined my Hellenic Caucus cochair and good friend and colleague, Representative Gus BILIRAKIS, in introducing this important resolution before us today. And I would like to particularly thank Chairman BERMAN for his work in bringing this resolution to the floor today for a vote.

I also wanted to represent Astoria, Queens, one of the largest and most vibrant communities of Greek and Cypriot Americans in this country. This year we marked the 36th anniversary of the Turkish invasion and continuing illegal occupation of the northern part of the Republic of Cyprus. Since the 1974 invasion, many priceless symbols of Cyprus’ religious and cultural heritage have been destroyed, looted, or vandalized, and even stolen, or illegally shipped for sale abroad. Very distressing to observe are the churches that have been razed, converted into barracks, into beer halls with total disrespect to their religious importance. To date, Turkey has repeatedly ignored all U.N. resolutions pertaining to Cyprus and has continued to occupy the island in complete violation of international law.

As Cyprus prepares to celebrate its 50th anniversary, we in Congress have a responsibility to make our voices heard on behalf of the millions of people in a restituted and prosperous Cyprus where Greek Cypriots and Turkish Cypriots can live together in peace, security, and stability. Passage of this resolution would demonstrate the United States’ commitment to protecting the rights and fundamental freedoms of the Cypriot people, religious freedom on the island of Cyprus, and religious freedom for people everywhere.

In the interest of time, I would like to outline the main points of this resolution and the Library of Congress pertaining to the destruction of cultural property and religious sites in Cyprus.

I urge all of my colleagues to vote in support of this important resolution.

[Law Library of Congress]

CYPRIOT—DESTRUCTION OF CULTURAL PROPERTY IN THE NORTHERN PART OF CYPRUS AND VIOLATIONS OF INTERNATIONAL LAW

EXECUTIVE SUMMARY

Due to the military invasion by Turkey in July 1974 and the Republic of Turkey’s de facto occupation of the northern part of Cyprus, religious and cultural sites, as well as churches, mosques, and other historic monuments, have suffered significant destruction and pillage.

In order to draw out the issues, the report provides a historical background, continuing to the time of the de facto partition of the island and the ensuing military occupation. The analysis focuses on the international legal norms and standards applicable to:

1. Protection of cultural property during armed conflict
   (a) The protection of cultural property during armed conflict;
   (b) Occupied territory;
   (c) The protection of cultural property against the illicit trade and export of artifacts; and
   (d) Religious intolerance.

In analyzing the international legal standards applicable to the protection of cultural property, this report examines three key legal issues:

1. INTRODUCTION

Following the military invasion of Cyprus in 1974 and the continuing occupation of the northern part of Cyprus by Turkey, it has been documented that extensive destruction, desecration, and pillage of religious sites and other historic monuments have occurred in the northern part of Cyprus. The Government of Cyprus claims that the imbalance behind the acts of destruction and desecration of religious sites is the obliteration of their cultural and religious symbols, which form part of the cultural and spiritual heritage of Cyprus; as such they are extremely significant not only for the Greek-Cypriots, but also for the entire population of Cyprus and for humanity in general. Currently, the unilateral declared and unrecognized (with the exception of Turkey) “state” of the “Turkish Republic of Northern Cyprus” (“TRNC”) argues that its competent authorities are engaged in actions designed to preserve and protect religious sites, regardless of their origin and, moreover, that theTurkeys are taking actions within the “TRNC’s” “sovereign” area.

It is against this background that this report considers the international legal framework governing the protection of cultural property in the northern part of Cyprus. The report also examines the rights and obligations of Turkey and Cyprus arising out of international agreements and especially the legal consequences of the destruction and pillage of Cyprus’ religious and cultural property by “TRNC.”

The analysis focuses on the international legal norms and standards applicable to:

1. The protection of cultural property during armed conflict;
2. Occupied territory;
3. The protection of cultural property against the illicit trade and export of artifacts; and
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1. INTRODUCTION

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The analysis focuses on the international legal norms and standards applicable to:

1. The protection of cultural property during armed conflict;
2. Occupied territory;
3. The protection of cultural property against the illicit trade and export of artifacts; and
4. Religious intolerance.
Cypriot community and other minorities for religious purposes) qualify as “cultural property” as defined in the relevant law and thus warrant international protection; (b) Whether the northern part of Cyprus meets the legal definition of an occupied territory; and (c) Whether the destruction of religious sites and monuments (with the exception of Turkey) has legally recognized as the only legitimate government of Cyprus, which is de facto divided into northern 37 percent of the island, the Republic of Cyprus; the sub-issue of whether “TRNC” bears any degree of responsibility is briefly touched upon as well.

The report concludes with a short overview of courses of action available to the Republic of Cyprus to meet the legal claims against the destruction, illicit trade, and transfer of its cultural property.

II. HISTORICAL BACKGROUND

The Republic of Cyprus is a small nation in size and population with a very rich and ancient history and civilization. Archeological findings indicate that Cyprus was inhabited around 7,000 B.C. The island was exposed to Christianity early, with the visit of Apostles Barnabas and Peter. During the Byzantine era, Cyprus was under the administration of Byzantine emperors for approximately 800 years. This period was during which time that a great number of churches were built and decorated with mosaics and frescoes of exquisite beauty.2 In 711, Cyprus became part of the Ottonian Empire and in 1768 fell under British Rule. After a long period as a British colony, the Republic of Cyprus became an independent nation on August 16, 1960, with the signing of the Treaty of Alliance, Treaty of Guarantee, and the adoption of the Cyprus Constitution (with the exception of Turkey) has legal claims against the destruction, illicit trade, and transfer of its cultural property.

Since the 1974 military invasion of Cyprus by Turkey and the ensuing occupation of the northern 37 percent of the island, the Republic of Cyprus has been de facto divided into two separate areas, with the southern area under the government of Cyprus, which is recognized as the legitimate government, and the northern area under the non-recognized, illegal, and unilaterally declared “TRNC.”3 The United Nations Peacekeeping Force in Cyprus (UNFICYP) was established in 1964 after the eruption of intercommunal violence in 1963, and is in control along the so-called “green line” to guarantee maintenance of peace and security between the two communities.4 The military invasion by Turkey was precipitated when the Greek military regime, with the assistance of the Cypriot Armed Forces (TRF), attacked and proclaimed the self-declared “Turkish Republic of Northern Cyprus” (TRNC) as a separate state under “TRNC,” have not recognized its legitimacy.

of the relevant UN Resolutions on Cyprus.”

588&highlight=

A review of several cases involving courts in the United States and the United Kingdom, the European Court of Justice, and the European Court of Human Rights, see Chrysostomides supra note 1, at 260-315.


588&highlight=

I rise in strong support of H. Res. 1631, calling for the protection of religious sites and artifacts from and in Turkish-occupied areas of northern Cyprus and calling on the Turkish Government to respect the religious freedom of all the people living in the territory it occupies. I thank my very good friend Mr. BILIRAKIS for introducing this outstanding resolution and for his faithfulness and effectiveness in exposing human rights violations in Cyprus.

Madam Speaker, this resolution reminds us of the ongoing barbarism of the Turkish Government’s military occupation of the northern part of the Republic of Cyprus, a sovereign state. The Turkish Government frequently prevents Greek Cypriots from holding divine liturgy, and it has pillaged their sacred churches and holy sites. The Turkish Government currently uses no less than 28 Orthodox churches as army barracks, has converted 80 churches into mosques, and permits others to be used as nightclubs, sheep stalls, and dancing schools. Under Turkish occupation, 500 churches, monasteries, cemeteries, and other religious sites have been desecrated, destroyed, or looted.

Madam Speaker, this resolution performs a great service in documenting in painstaking detail the trade in sacred objects looted from these church- es, which is extensive, international, and totally illicit. It also points out the legal obligation of the Turkish Government to prevent this trade, to restore looted objects as well as churches, and to respect the human rights of those who live under its occupation.

Madam Speaker, I am profoundly disappointed that over the years, including since the passage of the International Religious Freedom Act, that our government has far too often failed to speak out and to speak out vigorously in defense of the religious freedom of Orthodox Christians. This is really shameful. The Turkish Government’s partition of Orthodoxy, whether in Cyprus or Istanbul, in the home of the Ecumenical Patriarchate, in Syriac Orthodox monasteries, or of the Armenian Orthodox, seems to aim at extinguishing Christian Orthodoxy within its borders.

As the Secretary General’s report on the United Nations operations in Cyprus stated as far back as 1996, the restrictions on basic freedoms of Chris- tians in Cyprus have the effect “of ensuring that with the passage of time, the commun- ities (that is, Greek Cypriots and Maronites) would cease to exist.” So I am glad that this resolution specifically urges the President, the Secre- tary of State, and the State Depart- ment Office of International Religious Freedom to report and take vigorous action on the traffic of Cypriot Ortho- dox heritage. The executive branch should take this seriously. Hopefully with the backing of the Congress, they will.

Mr. BURTON of Indiana. Madam Speaker, I rise today to express my serious concerns with H. Res. 1631. I think many of my colleagues know that I have been a vocal sup- porter of religious freedom on the International Religious Freedom Committee. I am glad that this resolution specifically urges the President, the Secretary of State, and the State Department Office of International Religious Freedom to report and take vigorous action on the traffic of Cypriot Orthodoxy heritage. The executive branch should take this seriously. Hopefully with the backing of the Congress, they will.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

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Mr. SMITH of New Jersey. I yield back the balance of my time.

Mr. TANNER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Ms. ED- WARDS of Maryland). The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 1631.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING IMPLEMENTATION OF PEACE AGREEMENT IN SUDAN

Mr. TANNER. Madam Speaker. I move to suspend the rules and agree to the resolution (H. Res. 1588) expressing the sense of the House of Representa- tives on the importance of the full im- plementation of the Comprehensive Peace Agreement to help ensure peace and stability in Sudan during and after mandated referenda, as amended.

The Clerk read the title of the resolu- tion.

The text of the resolution is as fol- lows:

H. Res. 1588

Whereas Sudan stands at a crossroads, in the final phase of what could be a historic transition from civil war to peace, and Sud- dan’s full implementation of the Comprehen- sive Peace Agreement (CPA) in this next
year will determine the future of this central important country in Africa and the stability of the region;

Whereas January 2010 marked the fifth anniversary of the CPA, which ended more than 20 years of civil war between northern and southern Sudan, fueled by northern persecution of populations in the south and mutilation in the death of more than 2,000,000 people and the displacement of over 4,000,000 people in southern Sudan;

Whereas the CPA committed the northern-dominated National Congress Party (NCP) and the southern-dominated Sudan People's Liberation Movement/Army (SPLM) to assume joint governing responsibility during a six-year Interim Period ending in July 2011;

Whereas Sudan's April 2010 elections did not meet international standards due to widespread and continuing violations of political rights, irregularities in voter registration, significant logistical and procedural shortcomings, intimidation and violence in some localities, and the continuing conflict in Darfur which prevented full campaigning and voter participation;

Whereas the border in Darfur remains unresolved, with over 300,000 people killed and over 2,000,000 people displaced in a highly unstable situation, perpetrating largely by the government in Khartoum;

Whereas since 1999, the United States Department of State has designated Sudan as a “country of particular concern” for systematic, ongoing, and egregious violations of religious freedom or belief and related human rights, as recommended by the United States Commission on International Religious Freedom, and despite progress made via the CPA on religious freedom issues, there are still reports of abuses;

Whereas the CPA requires the collaborating parties to—

(C) ensure that the National Congress Party (NCP) and the Sudan People’s Liberation Movement (SPLM) implement peace agreements and provide technical assistance to disagreeing parties along the border, and protection arrangements for the displaced and displaced persons, including Darfuris and southerners, by providing assistance and safe passage to all such persons; and

Whereas the right of return of Sudanese refugees displaced in Darfur and southerners, including Darfuris and southerners, by providing assistance and safe passage to all such persons; and

Whereas the NCP continues to restrict and disrupt United Nations peacekeeping, humanitarian operations, and human rights organizations in Darfur;

Whereas the United States has played a central role in negotiations that led to the CPA, is a guarantor of that peace agreement, and continues to play a leading role bilaterally and multilaterally about a just and lasting peace in Sudan;

Whereas Secretary of State Hillary Rodham Clinton stated in October 2009 that the United Nations agreement between the North and South will be a flashpoint for renewed conflict if not fully implemented for there to be free, fair, and credible elections, a referendum on self-determination for the South, resolution of the border disputes, and the willingness of the respective parties to live up to their agreements; and

Whereas current President Omar al-Bashir and other Sudanese officials accused of genocide, war crimes, and crimes against humanity, recognizing that justice is essential for there to be lasting peace and thereby compromising their ability to provide vital services;
(10) support the Government of Southern Sudan, including through the provision of technical assistance and expertise, in developing its economy, rule of law, and social services and institutional infrastructures, improving democratic accountability and human rights, and strengthening reconciliation efforts; and

(11) unequivocally stand, during this period of preparation and possible transition, with those people of Sudan who share aspirations for a peaceful, prosperous and democratic future.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. TANNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Madam Speaker, I yield myself such time as I may consume.

I want to thank Mr. CAPUANO and Members of the House Sudan Caucus for introducing this resolution, to remind us of the important work that needs to be done to implement the final stages of the Comprehensive Peace Agreement between the National Congress Party and the Southern Sudanese Liberation Movement in Sudan.

The CPA requires referendum in January 2011 to determine whether South Sudan will become an independent country and whether Abyei (AH-BEE-AY) region will be a part of the North or South. The Obama Administration has worked tirelessly to help the Sudanese people prepare for the referendum and the hard policy choices that must come after.

This resolution puts the Congress on record encouraging the President to continue a robust engagement in the CPA process and make sure the National Congress Party and the Sudanese Peoples’ Liberation Movement fulfill the obligations of the agreement. I reserve the balance of my time.

Madam Speaker, we are all too familiar with the adage, ‘those who cannot remember the past are condemned to repeat it.’ The truth of this saying is tragically realized in the case of war and genocide.

General Romeo Dallaire, the commander of the former United Nations mission in Rwanda, tried unsuccessfully in 1994 to warn the United Nations that huge massacres were imminent in that country. Even he miscalculated the magnitude of the threat. Within a few months, Rwanda was engulfed in genocide, leading to the deaths of nearly 800,000 people.

Larry Eagleburger, a former ambassador to Yugoslavia who served as Deputy Secretary of State and then Secretary of State, never suspected that the hostilities in the Republic of Bosnia and Herzegovina would escalate to the slaughter of more than 8,000 people that spoke Croats in 1995.

Sadly, we have too many indications about what could happen if the two referenda scheduled to take place in Sudan in January do not take place fairly and peacefully. The 20-year war between the government of the South of Sudan that ended in 1995 took the lives of over 2 million people and displaced a further 4 million.

Peace in Darfur is inextricably linked to peace throughout the rest of Sudan. And the genocide there in 2003 unleashed the slaughter of over 300,000 women, men, and children. Almost 3 million have been displaced and are still consigned to the misery of camps for internally displaced persons.

Like many of my colleagues, I have visited Sudan. I have been to Muktar and Kalma camp, and I have actually had a face-to-face meeting with General Bashir, the dictator in Khartoum, pushing for peace, pushing for an end to this slaughter. Unfortunately, he was obsessed only with trying to convince me that the sanctions against his government had lifted. The fact that the sanctions were based on the senseless killing and displacement sponsored by his government was dismissed by him as of no consequence.

This signing of the Comprehensive Peace Agreement between the Government of Sudan and the Sudan People’s Liberation Movement in 2005 marked a potential turning point for the Sudanese people. It calls for elections leading to a referendum in January of 2011 to determine whether the south will remain united or secede as an independent state. The region of Abyei is also to hold a referendum to determine whether it will remain in the north or possibly secede with the south should the south choose that course. Specific conditions were to be met in anticipation of these major events, to ensure that they would be conducted credibly and peacefully.

Madam Speaker, these interim 5 years have yielded signs of hope that the South Sudanese people, can afford to pay that price of another even greater, but the price of another even more catastrophic war would be even greater. No one, particularly the Sudanese people, can afford to pay that price.

Madam Speaker, the President and the State Department have taken some action during the past few weeks, apparently recognizing that the time remaining until the North-South referendum is extremely short. One most hope that the adage “better late than never” will apply in this case. The challenges to be addressed in the next few weeks, particularly the demarcation of the North-South border and the post-referendum agreement on wealth sharing and citizenship can be met if the United States plays a leadership role in gathering the influence and cooperation of the African Union and other international players.

H. Res. 1588, I join my colleagues in pressing upon the administration the urgency to engage the Sudanese people in their long-sought-after quest for peace. The effort will be great, but the price of another even more catastrophic war would be even greater. No one, particularly the Sudanese people, can afford to pay that price.

Madam Speaker, I reserve the balance of my time.

Mr. TANNER. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Madam Speaker, I am here to support this resolution.
Very clearly, this resolution is simply intended to encourage the Government of the United States and other governments around world to continue pressing to make sure that the resolution that is on the ballot January 9 of next year for the people of southern Sudan to decide for themselves whether they want to make their own country or be part of the Government of Sudan. That is all we want. It is an agreement that was made in 2005 by warring parties. I would have thought that by January 9, 2011, we would have heard something about the referenda.

South Sudan decided that it wanted some freedom. They had a revolution of their own. Hundreds of thousands of people were killed. Millions were displaced. Government in Khartoum also, soon thereafter, started a genocide on their own people in Darfur. All we are asking, in a very difficult situation, with multi-facets that are beyond comprehension, to simply have the United States Government continue what they are doing. The President of the United States went to New York City last week to meet on Sudan at the U.N. The United States has a Special Envoy there. We are paying special attention.

And by the way, it is not just because I have a bleeding heart for people who have been massacred. It is not just that people should have their own right of self-determination. It is also because this is our country, and this particular section of the country is in a critically important region in Africa. I think most everybody in this country have now heard of the Pilots of Somalia. That is right next door. Eritrea, right next door, Ethiopia, right next door. All around them is instability, danger and potential violence that could draw in the entire region. That is what this peace agreement is all about. That is why I am here, for January 9 of next year for the people of southern Sudan to decide for themselves if they want to remain a part of Sudan or not.

I would have thought that by January 9, 2011, we would have heard something about the referenda. Today, with less than four months until the referenda, Sudan is diametrically behind on implementing the CPA. Bashir's regime has refused to cooperate on key measures that must be put in place. Khartoum has repeatedly played games, stalled, held up, and obstructed so many critical steps in the fulfillment of the CPA that as of today, it is unclear whether the referenda in January can actually be held freely and fairly. Sudan also faces a number of challenges as it struggles to emerge as a democracy from decades of civil war. The conflict and violence in Darfur still rage even as the international community hopes for peace.

Indeed, Sudan could erupt into conflict once again if the referenda are not held freely and fairly. We support House Resolution 1588 that calls on the Administration and the international community to fully employ all of our diplomatic tools, as well as significant international technical assistance, to ensure that the referenda are timely, free, peaceful, and fair to the people of Sudan. The consequences of failed referenda are too great.

The United States has served as a guarantor of the CPA, helping to negotiate the agreement and facilitate its implementation by both signatories—the National Congress Party, NCP, and Sudan People’s Liberation Movement/Army, SPLM/A. We have invested considerable time and resources in helping the people of Sudan, and we must ensure that this level of commitment is maintained through this critical time and beyond. Now is the time to refocus attention on Sudan.

H. Res. 1588 sends a clear message to Khartoum that a dismissal of the CPA will not be tolerated. I urge my colleagues in the Senate to support this resolution and say we must sound the alarm for what is going on in Sudan. The people of Sudan deserve our support for timely, free and fair referenda on the independence of Southern Sudan and Abyei. The National Congress Party, headed by President Omar al Bashir, must not be allowed to derail the referenda.

The referenda are a critical part of the peace dividend promised to the people of South Sudan and Abyei following the 21-year civil war between North and South Sudan. During the war, which claimed the lives of 2 million Southerners and displaced 4 million, the Bashir regime used aerial bombings against innocent civilians, women, men, elderly, and disabled. Indeed, the war nearly destroyed an entire region—South Sudan, but it could not destroy the spirit of its people.

On January 9, 2005 members of the U.S. Government, including myself, witnessed the signing of the Comprehensive Peace Agreement, CPA, which ended the war and outlined the path to securing lasting peace in Sudan. The signing of the agreement launched a 6-year Interim Period during which Khartoum would have the opportunity to show the people of the South that it was capable of change. At the end of the 6-year period—on January 9, 2011—the CPA promised an opportunity for the people of the South to determine whether the regime in Khartoum had changed enough that they want to remain a part of Sudan or whether the people want to secede. The people in the marginal area of Abyei—the region that holds in its soil Sudan’s oil wealth—would decide if they would retain their special administrative status in the North or to become part of the South.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to. A motion to reconsider was laid on the table.

HONORING AID WORKERS KILLED IN AFGHANISTAN

Whereas Dan Terry, originally from Sequim, Washington, was fluent in multiple
languages and had lived in Afghanistan since 1971, working tirelessly on behalf of the country’s most impoverished and marginalized populations and helping international humanitarian aid workers to understand and respect the local culture.

Whereas the organization that sponsored these humanitarian aid workers was a signatory to the “Principles of Conduct for the International Red Cross and Red Crescent for NGOs and Disaster Response Programmes”, which states that “aid will not be used to further a particular political or religious standpoint”;

Whereas international humanitarian aid workers have played a vital role in saving lives and meeting basic human needs in Afghanistan over the last 3 decades;

Whereas violent extremists have committed many ruthless and brutal attacks against the people of Afghanistan, starting in the 1990s with public executions in soccer stadiums, attacks against girls attending school, and many other terrible measures;

Whereas these violent extremists have directed wanton acts of cruelty against Afghanistan’s poorest and most vulnerable populations, as well as against humanitarian aid workers;

Whereas these senseless killings will have a tragic impact for decades to come, both on the families of the victims and on the people of Afghanistan; and therefore, be it,

Resolved, That the House of Representatives:

(1) honors the lives of the brave and selfless humanitarian aid workers, doctors, and nurses who died in the tragic attack of August 5, 2010, in northern Afghanistan;

(2) extends its deepest condolences to the families of the victims;

(3) strongly condemns those who committed these brutal murders;

(4) urges the Afghan authorities to do their utmost to bring the perpetrators of this heinous act to justice;

(5) encourages all parties to respect the neutral status of humanitarian aid workers;

and

(6) commends international humanitarian aid workers for their courageous efforts to save lives and alleviate suffering by providing important services to the Afghan people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

General Leave

Mr. TANNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. I yield myself such time as I may consume.

Madam Speaker, on August 5, 2010, 10 unarmed humanitarian aid workers affiliated with the International Assistance Mission, a nongovernmental organization operating a mobile health clinic for Afghans with little access to medical care, were brutally killed in Badakhshan province, Afghanistan.

There were six Americans among the murdered aid workers. These brave and selfless individuals, Cheryl Beckett, Brian Carderelli, Thomas Grams, Glen Lapp, Tom Little and Dan Terry, dedicated their lives to serving the people of Afghanistan.

Despite the grave danger that many humanitarian aid workers face, including from the Taliban, they still operate in Afghanistan on behalf of the country’s most impoverished and marginalized populations.

We urge all parties involved in the conflict in Afghanistan to respect the neutral status of humanitarian aid workers and urge the Afghan authorities to do their utmost to bring the perpetrators of this heinous act to justice.

The resolution before us today honors the sacrifice and the service of the brave and caring aid workers, doctors, and nurses who died in the tragic attack, and extends our condolences to the families of the victims.

I reserve the balance of my time.

Mr. SMITH of New Jersey. I yield such time as he may consume to the author of the resolution, the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. I want to thank the chairman of the committee, Mr. BERMAN, and Ranking Member ROELENFERT, for moving this resolution so promptly.

It is a privilege for me to sponsor this resolution. The six Americans had their lives brutally taken from them as they served the people of Afghanistan, and they deserve our deepest respect.

From my district, in Lancaster, Pennsylvania, Glen Lapp came to Afghanistan in 2008, leaving his life in Pennsylvania behind in order to serve as the manager of a much-needed provincial eye care program in Afghanistan.

Glen wrote that his hope was to treat the Afghan people with respect and with love as he served them throughout their country.

The others who were killed were just as dedicated to providing humanitarian aid to the Afghans in remote areas.

Aid workers have played a vital role in serving the Afghan public over the last three decades, due to the country’s instability. While many aid workers in the past were given safe passage in conflict areas, sadly, in recent months, attacks against them have escalated. The perpetrators are breaking longstanding customs and have resorted to targeting the very people who are trying to supply the people of Afghanistan with the resources necessary to meet their most basic needs.

It is obvious that those who killed these aid workers oppose economic and social progress in Afghanistan, including access to medical care, education, and shelter. These perpetrators must be brought to justice. These terrorists who killed these six Americans and four others are not different from the terrorists who throw acid in girls’ faces when they try to go to school. They are the same terrorists who use children as human shields against American troops.

Do we understand that these senseless killings are another terrible reminder of the brutality of the Taliban and al Qaeda foreign fighters? Do we understand that these murderers must be brought to justice no matter where they originated, either in Afghanistan or Pakistan?

The people of Afghanistan suffer every day from the cruelty of the Taliban. Along with the families who lost loved ones, the Afghans suffer from the loss of these dedicated and courageous aid workers. As a result of this brutal attack, critical medical care will no longer be available to many of the Afghans who were served by these humanitarian workers. We in the United States need to understand that, and we need to call for justice. The Afghan authorities must conduct an investigation and find these murderers, no matter where they might be hiding or receiving sanctuary.

From various reports, there are strong indications that the attackers were not local and some were speaking Afghan languages. Given the location of the attack, the proximity to Taliban strongholds in Nuristan, a province that borders volatile areas of Pakistan, and given the cross-border nature of the Afghan insurgency, I strongly urge the government of Pakistan to do its utmost to cooperate in rooting out extremism on its soil, in particular, the safe havens that exist on the Pakistani side that have been the source of many acts of violence both in Afghanistan and Pakistan.

The safe havens for the Taliban, the al Qaeda, and the Haqqani network must be eradicated.

This attack has been called by some the worst attack on humanitarian aid workers in three decades of conflict in Afghanistan. Justice must be served so that it never happens again.

To this end, I hope the U.S. Government is seeking to enhance and dedicate greater resources to establishing local and border areas, providing Afghan institutions to better protect the Afghan people and their partners.

In closing, today we honor the brave and selfless humanitarian aid workers, doctors, nurses who died on August 5. Their efforts to bring healing and care to the Afghans were noble and good.

My thoughts and prayers are with the families of these heroes and quiet leaders, as well as with the Afghan people who have suffered so many decades of conflict and loss.

Mr. TANNER. I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself 2 minutes.

First, I want to thank Mr. PITTS for offering this important resolution to remember the aid workers who died in Afghanistan. These aid workers were killed because of their humanitarian efforts, because they were trying to provide the Afghan people with important services so they could live in freedom and dignity.

For undertaking these noble efforts, the aid workers lost their lives at the hands of murderous extremists who
seek an Afghanistan in the dark ages, an Afghanistan where people are debilitated by poverty and illiteracy, where democratic elections are unthinkable, where women and girls are murdered simply for trying to go to school, where freedom is a forbidden idea. Such an Afghanistan would again be a haven for violent extremist groups like the Taliban and al Qaeda who seek to destroy our Nation and our allies and to plunge civilization itself into darkness. So, Madam Speaker; we continue to strive to prevent such a threatening scenario from becoming a dangerous reality.

In that respect, we owe a great deal of gratitude to the many Americans—Cheryl Beckett; Brian Carderelli; their lives almost 2 months ago—the American aid workers who gave of the suffering of the Afghan people.

We owe gratitude to the courageous humanitarian aid workers who risk their lives to save lives and to alleviate the suffering of the Afghan people.

In particular, we owe our thanks to the American aid workers who gave their lives almost 2 months ago—Cheryl Beckett; Brian Carderelli; Thomas Grams; Glen Lapp, who was Congressman Pritts' constituent and friend; Tom Little; and Dan Terry. We mourn their loss, and we send our condolences to their families.

Mr. SALAZAR. Madam Speaker, I rise today in support of H. Res. 1661, to honor the lives of the brave and selfless humanitarian aid workers, doctors, and nurses who died in the tragic attack of August 5, 2010, in northern Afghanistan, one of whom was my constituent, Dr. Thomas Grams.

Dr. Grams practiced dentistry in Durango, Colorado, for many years.

Several years ago, he retired from private practice so that he could dedicate his life fulltime to the assistance of residents in developing countries.

Dr. Grams took countless trips to India, Nepal, and Afghanistan to provide care for the indigent citizens of these countries.

The focus of Dr. Grams' life was to provide service to others and his mission was to provide access to dental and health care in some of the most remote corners of the world.

Dr. Grams represented Western Colorado and his entire nation with honor.

He exemplified what is best in our country, a strong sense of compassion paired with the will and ability to help those in need.

Dr. Grams' passion for service will be sincerely missed in both Durango and around the world. His legacy will continue to inspire us to serve others.

Our Nation and our world have lost a strong voice for compassion and healing.

In honor of Dr. Grams' legacy, as well as those who were lost with him, I urge my colleagues to support H. Res. 1661.

Mr. SMITH of New Jersey. I yield back the balance of my time.

Mr. TANNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution. H. Res. 1661.

The SPEAKER pro tempore. Pursuant to the motion of the gentleman from Tennessee (Mr. TANNER) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. TANNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Madam Speaker, I yield myself such time as I may consume.

On August 5, 2010, the San José copper-gold mine in Copiapó, Chile, collapsed, leaving 33 miners trapped 2,300 feet underground. As of today, they have been there for 55 days.

The Chilean President has made the rescue of these stranded miners a national priority. This resolution addresses that deplorable event.

While initial estimates suggested that a complete rescue will take as long as 4 months, recent developments give hope that relief could come for the miners and their families much sooner.

Chilean officials are working tirelessly to rescue the 33 miners, and are making the necessary preparations to ease them back into society post-rescue. In this context, NASA has provided its unique expertise on rescue missions and the psychological impact of isolation. Private U.S. companies such as UPS have also contributed.

Madam Speaker, this resolution expresses solidarity with the stranded miners and their families, and I urge my colleagues to support it.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

I want to commend Congressman MACK, the ranking member of the Western Hemisphere Committee, for offering this resolution.

This resolution commends the bravery of the 33 trapped miners in Chile who have endured nearly 2 months of unimaginable mental and physical strain following the August 5 collapse of the San José copper-gold mine which trapped them one-half mile below ground.

It was believed that these men did not survive the original collapse, but 17 days after the disaster the miners were miraculously discovered to be alive and in fair condition. Quick-thinking and decisive action led the men to take refuge in a shelter where they have been surviving for the last 7 weeks.

The Chilean Government has been working tirelessly to secure the safety of the miners as quickly as possible and to secure their release. In addition, scientists and doctors from NASA, as well as private U.S. engineers and companies, have been instrumental throughout the rescue process and continue to aid in the ongoing efforts.

Various supply holes have reached the group to provide them with food, water, health supplies, air, and games to keep the 33 individuals safe and stable.

I rise today in support of House Resolution 1662, which commends the bravery of the 33 trapped miners in Chile who have endured nearly 2 months of unimaginable mental and physical strain following the August 5th collapse of the San José copper-gold mine which trapped them half a mile below ground.
Quick thinking and decisive action led the men to take refuge in a shelter where they have been surviving for the last seven weeks.

The Chilean government has been working tirelessly to secure the safety of the miners as quickly as possible.

In addition, scientists and doctors from the National Aeronautics and Space Administration, NASA, as well as private U.S. engineers and companies, have been instrumental throughout the rescue process and continue to aid in the drilling efforts.

Various supply holes have reached the group to provide them with food, water, health supplies, air, and games to keep the 33 individuals safe and stable.

Because of the exhausting emotional and physical impact of the situation, psychologists have made it a priority to keep them occupied, and believe it is an integral part of the rescue and reintegration process when they are finally pulled out.

Happily, recent advancements in the drilling efforts have improved rescue forecasts originally set for November.

I would like to commend President Piñera and the Chilean government for their tireless rescue efforts and again recognize the invaluable contributions of the U.S. agencies and private entities that have been a part of this humanitarian endeavor.

I would like to extend my heartfelt sentiments to the trapped miners and their families.

Please know that we have you in our hearts and prayers.

Mr. ENGLE, Madam Speaker, I rise in support of H. Res. 1662, which expresses solidarity with the 33 trapped miners in Chile, whose story we all have been following in the news. Imagine: If we sit riveted to the tireless efforts of the rescue teams, what it must be like in Chile in “Camp Hope” where the families of the stranded miners hold vigil every day. Hope—Esperanza in Spanish—is a powerful force. In fact, the wife of one of the miners has given birth in the days since the collapse. The daughter’s name: Esperanza.

Just last week, I met with the Chilean Defense Secretary in his office. We spoke of miracles. For 17 days after the mine’s collapse, not a shred of evidence existed that the men below were alive. Their families didn’t know whether to grieve or to hope. Yet, on August 22, a miracle occurred. Discovering the miners were alive provided an entire country with hope and inspiration. And after a method was engineered to communicate with the trapped miners, my friend, President Sebastian Piñera, broadcast a message to the world from the miners: ‘We are 33. We are fine.’

As the miners and other experts are leading three simultaneous efforts to rescue the miners, they involve sophisticated heavy machinery and precision drilling equipment, and every inch they descend into the mine must be undertaken with care. The miners are in a precarious situation. But the sense of optimism I observe in Chile is uplifting. The men have created a livable environment down there. They exercise, they pray, they play dominoes. They are surviving—but they need the support of their families, their country, and people around the world.

The rescue is imminent. I am proud that our government has stepped up to help in this difficult, but worthy endeavor. This is not an example of gaining political points or helping a political ally. This is our government doing what it does best: lending humanitarian support. A handful of medical experts from the National Aeronautics and Space Administration—NASA—are in Chile now. They are providing psychological expertise on the effects of isolation. They will be there when the miners emerge from their temporary homes and will assist in their reintegration. I commend their efforts.

I urge my fellow lawmakers to join me in voting in favor of this resolution, so that these 33 brave souls—whether they rise to the Earth’s surface in one week or one month in a metal contraption aptly called “The Phoenix”—their families, and those who collaborated in their rescue know that here in the United States this chamber has taken the time to reflect on the plight of these heroes and express solidarity with them.

I yield back the balance of my time.

Mr. TANNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 1662.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

H. RES. 1660

Supporting Inaugural USA Science and Engineering Festival

Mr. GORDON of Tennessee. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1660) expressing support for the goals and ideals of the inaugural USA Science and Engineering Festival in Washington, D.C., and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 1660

Whereas Science, Technology, Engineering, and Mathematics (STEM) education is an essential element of America’s future competitiveness in the world;

Whereas advances in technology have resulted in significant improvements in the daily lives of Americans;

Whereas the global economy of the future will require a workforce which is educated in science and engineering specialties;

Whereas a new generation of Americans educated in STEM is crucial to ensure continued economic growth;

Whereas scientific discoveries are critical to curing diseases, solving global challenges, and expanding our understanding of our world;

Whereas it is the sense of the House of Representatives that instigating the interest of the next generation of Americans in STEM education is necessary to maintain America’s global competitiveness;

Whereas nations around the world have held science festivals which have brought together hundreds of thousands of visitors celebrating science;

Whereas the inaugural 2009 San Diego Science & Engineering Festival attracted more than 500,000 participants and inspired a national effort to promote science and engineering;

Whereas thousands of universities, museums, science centers, professional societies, educational societies, government agencies and laboratories, community organizations, K-12 schools, volunteers, corporations and private sponsors, and nonprofit organizations, have come together to produce the USA Science & Engineering Festival on a nationwide scale in Washington, D.C., in October, 2010;

Whereas the USA Science & Engineering Festival will highlight the important contributions of science and engineering to American competitiveness through exhibits on science topics such as human spaceflight, satellites, weather forecasting, and telescopes; and

Whereas the House of Representatives believes science research is essential to American competitiveness and events like the USA Science & Engineering Festival promote science scholarship and an interest in scientific research and development to the future of America;

Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its support for the goals and ideals of the inaugural USA Science & Engineering Festival to promote science scholarship and an interest in scientific research and development as the cornerstones of innovation and competition in America;

(2) supports festivals such as the USA Science & Engineering Festival which focus on the importance of science and engineering to our every day lives through exhibits in such topics as human spaceflight, weather forecasting, satellite technology, and telescopes;

(3) congratulates all the individuals and organizations whose efforts will make the USA Science & Engineering Festival highlighting American accomplishments in science and engineering possible; and

(4) encourages families and their children to participate in the activities and exhibits which will occur on the National Mall and across America as satellite events to the USA Science & Engineering Festival.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 1660, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was none.

Mr. GORDON of Tennessee. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker: I rise today in strong support of House Resolution 1660, a resolution supporting the goals and ideals of the inaugural USA Science and Engineering Festival. I want to congratulate the gentleman...
from California (Mr. BILBRAY) for introducing this resolution.

A number of much-publicized studies have shown that the mathematics and science achievement of American students is poor by international standards, and that the cloud over the future of American competitiveness. Without high-achieving math and science students today, we won’t have the innovative scientists, engineers and technologists for tomorrow.

As the House recently passed the America COMPETES Act re-authorization, which seeks to improve STEM education at all levels, not only so that our Nation will produce the world’s leading scientists and engineers, but also so that all students, high school, and junior college students will have a strong background in math and science.

The USA Science and Engineering Festival, which is taking place in October on the National Mall and in satellite locations across the country, is a collaboration of hundreds of science and engineering companies, professional associations, colleges and universities, K–12 schools, and other organizations, all with the goal to recruit the nation’s best and brightest into science careers, and engineers by inspiring students and showing them how science intersects daily with their lives. The culmination of the festival will be a free 2-day expo on the National Mall and will feature over 1,500 interactive science activities.

Once again I want to commend Mr. BILBRAY and his cosponsors for introducing this resolution, and urge my colleagues to join me in supporting the goals and ideals of the inaugural USA Science and Engineering Festival. I reserve the balance of my time.

Mr. HALL of Texas. Madam Speaker, I rise in support of H. Res. 1660, and I yield myself such time as I may consume.

Madam Speaker, I, of course, rise in support of H. Res. 1660, supporting the goals and ideals of the USA Science and Engineering Festival taking place on the National Mall and at satellite events around the country.

This inaugural national event on October 23 and 24 is intended to celebrate science and raise awareness of the importance of science, technology, engineering, and math education in the United States. STEM education is a crucial component to our Nation’s growth and well-being. Advances in the science and engineering fields not only have made our lives significantly better but also have had a global impact as well.

The USA Science and Engineering Festival will have over 1,500 free hands-on activities and shows for all ages featuring some of the most talented and experienced specialists in the science and engineering fields. This festival aims to reinvigorate the interests of our Nation’s youth in STEM by producing and presenting the most compelling, exciting, educational, and entertaining science gatherings in the United States.

Inspiring our children to become more interested in the STEM fields and in careers through endeavors such as this is the key to unlocking our future, both economic and social, and to our future success. Over 100 members of Congress have joined to support the efforts of this festival in a bipartisan fashion.

I am pleased to support the USA Science and Engineering Festival, and I encourage my colleagues to join me in this support.

At this time I yield such time as he may consume to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY of California, Madam Speaker, I rise today to offer a resolution to support the inaugural USA Science and Engineering Festival to be held here in Washington, D.C., and, more importantly, to be held in 49 other locations across the country between October 10 and October 24. I say “more importantly” because of the fact that sometimes those of us in Washington forget that we are the capital of the Nation, but we are not the Nation. The foundation of this country is the public to make sure that we represent those communities outside of Washington, not just here in D.C.

This festival is actually going to be centered here in D.C. and in 49 other locations, and I think it is one of those bipartisan efforts that I would like to thank my colleagues for, those such as Chairman GORDON, Pete Olson of Texas, CATHY MCMORRIS RODGERS and BRIAN BAIRD of Washington, two colleagues from Washington.

This is a unique opportunity for thousands of Americans to learn more about science and engineering from exhibits, participation, demonstrations, performances and discussions.

For those of us in San Diego who first-hand witnessed the wonderful event we had in 2009, the inaugural event of the San Diego Science and Engineering Festival that attracted far more than half of our participants, we are really kind of excited for the rest of the Nation to experience this.

Our Nation finds itself in the midst of a terrible economic recession, a crisis that is one that has been growing for generations, not one that was just spurred in the recent past. One of the key answers to pulling ourselves out of this economic trouble is to activate those entrepreneurial spirits in the scientific research that has always led America on the cutting edge of technology, and of economic and social prosperity.

Our Nation needs this kind of stimulus. Frankly, I think the USA Science and Engineering Festival is a great opportunity and can help the private sector work with the public sector. In fact, I think the latest I saw was that there were millions of dollars being put into this by the private sector because they feel how important this investment of not just money, but of minds and creativity is going to be for all of us.

Mr. GORDON of Tennessee. Madam Speaker, I move to suspend the rules and agree to the resolution, H. Res.
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1421) recognizing the 40th anniversary of the Apollo 13 mission and the heroic actions of both the crew and those working at mission control in Houston, Texas, for bringing the three astronauts, Fred Haise, Jim Lovell, and Jack Swigert, home to Earth safely.

Mr. GORDON of Tennessee. I ask unanimous consent that the text of the resolution needs of the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 1421

Whereas, on April 11, 1970, Apollo 13 was launched with an intended destination of Fra Mauro highlands on the Moon;

Whereas on the way to the Moon, roughly 198,990 miles from Earth, the number 2 oxygen tank exploded and seriously damaged the Apollo 13 spacecraft;

Whereas after mission control calculated that a lunar landing was impossible, mission control decided to fly a circumlunar orbit and use the Moon’s gravity to return the ship to Earth;

Whereas the tireless and heroic work of both mission control and the astronauts on board the spacecraft allowed Apollo 13 to safely navigate back to Earth;

Whereas the heroic work of mission control in Houston, Texas, solved a number of unique engineering problems, such as using the lunar module as a lifeboat for the crew and devising a carbon dioxide control system completely from scratch;

Whereas without the outstanding work of the men and women at mission control, the astronauts would most certainly not have been able to return to Earth safely;

Whereas the safe return of the crew is a testament to United States ingenuity, and a can-do attitude which represents the best of the space program and the Nation;

Whereas the Apollo program lasted from 1961 to 1975 and set a number of milestones in many fields of engineering which benefited the United States economy, national psyche, and leadership in science and technology; Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 40th anniversary of the Apollo 13 mission;

(2) recognizes the bravery and heroism of the astronauts of the Apollo 13 mission, as well as the men and women in mission control;

(3) reaffirms its support of National Aeronautics and Space Administration (NASA) and human space flight; and

(4) recognizes the tremendous advances to science and technology in the United States that were spurred by the Apollo space program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. Hall) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous mate-

RARE EARTHS AND CRITICAL MATERIALS REVITALIZATION ACT OF 2010

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6160) to develop a rare earth materials program, to amend the National Materials and Minerals Policy, Research, and Development Act of 1980, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6160

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Rare Earths and Critical Materials Revitalization Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—RARE EARTH MATERIALS

Sec. 101. Rare earth materials program.
Sec. 102. Rare earth materials loan guarantee program.

TITLE II—NATIONAL MATERIALS AND MINERALS POLICY, RESEARCH, AND DEVELOPMENT


SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate Congressional committees’’ means the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Energy and Natural Resources of the Senate.

(2) DEPARTMENT.—The term ‘‘Department’’ means the Department of Energy.

(3) RARE EARTH MATERIALS.—The term ‘‘rare earth materials’’ means any of the following chemical elements in any of their physical forms or chemical combinations:

(A) Scandium.
(B) Yttrium.
(C) Lanthanum.
(D) Cerium.
(E) Praseodymium.
(F) Neodymium.
(G) Promethium.
(H) Samarium.
(I) Europium.
(J) Gadolinium.
(K) Terbium.
(L) Dysprosium.
(M) Holmium.
(N) Erbium.
(O) Thulium.
(P) Ytterbium.
(Q) Lutetium.

(4) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Energy.

TITLE I—RARE EARTH MATERIALS

SEC. 101. RARE EARTH MATERIALS PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—There is established in the Department a program of research, development, demonstration, and commercial application to assure the long-term, secure, and sustainable supply of rare earth materials sufficient to satisfy the national security, economic well-being, and industrial productivity needs of the United States.

(2) PROGRAM ACTIVITIES.—The program shall support activities to—

SEC. 102. RARE EARTH MATERIALS LOAN GUARANTEE PROGRAM.

(a) IN GENERAL.—The Department shall make loans to geographic entities—

(1) IN GENERAL.—There is established in the Department a program of research, development, demonstration, and commercial application to assure the long-term, secure, and sustainable supply of rare earth materials sufficient to satisfy the national security, economic well-being, and industrial productivity needs of the United States.

(a) Program plan.—Section 5 of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1609) is amended—

(1) by striking "The Congress declares that it " and inserting "It";

(2) by striking "as appropriate, shall" and inserting "as appropriate, shall and

(b) Table of Contents Amendment.—The table of contents of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by adding at the end the following new section—

"Sec. 1706. Temporary program for rare earth materials revitalization."

TITLE II—NATIONAL MATERIALS AND MINERALS POLICY, RESEARCH, AND DEVELOPMENT

Sec. 102. Rare Earth Materials Loan Guarantee Program.

(a) Amendment.—Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16611 et seq.) is amended by adding at the end the following new section—

"Sec. 1706. Temporary program for rare earth materials revitalization."


Title II of Public Law 98–373 (30 U.S.C. 1801 et seq.; 98 Stat. 1248), also known as the National Critical Materials Act of 1984, is repealed.
I call on my colleagues to support H.R. 6160, and I look forward to its passage. I reserve the balance of my time.

Mr. HALL of Texas. I yield myself such time as I may consume.

I rise in strong support today of H.R. 6160, the Rare Earths and Critical Materials Revitalization Act of 2010. This bill was introduced by the gentlelady from Pennsylvania (Mrs. DAHLKEMPER) and cosponsored by Mr. JERRY LEWIS, Mr. COFFMAN, Mr. CARNahan, myself, and a number of other Members who all recognize that we must take steps to recapitulate our technological lead in a wide range of industries critical to our economic health, our national defense, and a clean and secure energy future.

For the last week you couldn't open a newspaper or watch TV without seeing a story about China's global dominance. By the end of this year, China may control 90 percent of the global market. This is clearly an untenable position for the U.S.

Mr. GORDON of Tennessee. I yield myself such time as I may consume. Overall, despite the many remaining questions and concerns regarding rare earths in this legislation, I recognize the importance of ensuring a stable supply of rare earth materials and the potential for a near-term supply shortage, and I remain committed to working on this issue and on this bill as it moves through the legislative process. I reserve the balance of my time.

Mr. HALL of Texas. I yield myself such time as she may consume. My colleagues and I established a national minerals and materials policy. One core element in that legislation was a call to support "a vigorous, comprehensive, and coordinated program of materials research and development." Unfortunately, over successive administrations the effort to sustain the program eroded. Now it is time to revive a coordinated effort to level the global playing field in rare earths. Mrs. DAHLKEMPER's bill calls for increased research and development to help address the Nation's rare earths shortage and reinvigorates the national policy for critical materials.

Further, the bill does not start a big new government program. All activities authorized in this Act should take place within existing programs at the Department of Energy, the Office of Science and Technology Policy, and other relevant agencies. And the bill does not authorize any new appropriations.
States. The scope of this bill spans the full supply chain from exploration to mining to manufacturing. It will reduce risks in financing new rare earth production facilities by guaranteeing loans to companies with new processing and refining technologies. My bill will also create a U.S. minerals and materials policy so we are never without a plan of action if our supply of rare earths falls short.

China has stated clearly that foreign firms that move their manufacturing capabilities onto Chinese soil will have no trouble procuring rare earth materials for their needs. That’s just another way that American manufacturing jobs are being lured overseas. That has to stop. We need to make things right here in our country and give those great manufacturing jobs to American men and women.

Madam Speaker, this bill cannot wait. Just last week, China reportedly cut off Japan’s supply of rare earths in the wake of a territorial conflict. This is a clear warning sign, and we would be foolish to ignore it. If China is willing to use its control of rare earths as leverage over other countries, we need to counter that advantage by jump-starting our domestic market of rare earths now. The GAO reports that it may take up to 15 years to rebuild the United States’ rare earth supply chain. Delaying the seed money to begin this process only prolongs our dependency on China.

I urge my colleagues to support this bipartisan plan to promote U.S. global competitiveness and to ensure our national defense technology is made in America.

Mr. HALL of Texas. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Speaker, I appreciate this bill on two points. I appreciate the fact that the chairman of the Science and Technology Committee has been willing to bring forth this bill, which is very critical at a very critical time. I also want to thank the gentlewoman from Pennsylvania (Mrs. DHALKEMPER) for raising this issue.

From the Science and Technology Committee’s point of view, this is an appropriate action to take. Sadly, Madam Speaker, we should have sitting on the podium next to our chairman of the Natural Resources Committee, because I think all of us will agree that all of the funding and all of the studies do not accomplish anything if we do not have access to the material to make it reality. One of the critical things we need to do is to bridge the gap between what we know we need to do and what we allow to be done.

One of the sad things right now is the fact that we keep talking about great breakthroughs. We have got to recognize that all of us are so excited about high-tech electrification of transport systems, about the efficiency and energy saved there and about the reduction in the carbon footprint. If we want to drive our Priuses, then we have to be brave enough not only to support this bill but to tell our colleagues that we have to open up the public lands to allow the mining to be done so that we can have the funds to create these miracles. Too often we are willing to talk about spending money to do the kinds of things that need to be done, but we are not willing to say we need to reform our Federal regulations and our processes to make those things possible.

One hears all the time that what America needs for energy independence is a new Manhattan Project. Well, ladies and gentlemen, as somebody who has worked on environmental issues for over 30 years, the Manhattan Project would be illegal to do today. Federal regulation would not allow a Manhattan Project. As the committee that works on science, we need to understand that and work to change the jurisdiction of the Natural Resources Committee needs to be partners in this effort. We need to tear down the barriers of government regulation which do not allow access to those important components of public property and public resources. The American people own these resources, and they should be able to have access to them.

I am very sensitive to the environmental impact of exploiting resources in an inappropriate way. Yet, as a former member of the Air Resources Board, I am very, very aware of the great environmental threat if we do not utilize our own native resources to address these issues.

So I want to thank the chairman. This is probably one of his last bills to be before this committee. It is a great, great bill at a critical time. I hope the committees of jurisdiction, such as the Natural Resources Committee, will be as strong and as brave to bring these items forward so the gentlewoman from Pennsylvania’s bill can not only see the light of day here in this body but actually can see the implementation of one important things that is facing us as an economy and as a free people, which is just making sure that we have the access to those items that make these miracles possible.

Thank you very much for this bill, and I support it.

Mr. HALL of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GORDON of Tennessee, I yield back the balance of my time.

The SPEAKER pro tempore. The question was taken.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

WIPA AND PABSS EXTENSION ACT OF 2010

Mr. TANNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6200) to amend title XI of the Social Security Act to provide for a 1-year extension of the authorizations for the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program. The Chair’s prior announcement, further proceedings on this motion will be postponed.

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 “WIPA and PABSS Extension Act of 2010”.

SEC. 2. EXTENSION OF AUTHORIZATIONS FOR THE WORK INCENTIVES PLANNING AND ASSISTANCE PROGRAM AND THE PROTECTION AND ADVOCACY FOR BENEFICIARIES OF SOCIAL SECURITY PROGRAM.

(a) WORK INCENTIVES PLANNING AND ASSISTANCE.—Section 1149(d) of the Social Security Act (42 U.S.C. 1320b-20(d)) is amended by striking “2010” and inserting “2011”.

(b) PROTECTION AND ADVOCACY FOR BENEFICIARIES OF SOCIAL SECURITY.—Section 1150(h) of such Act (42 U.S.C. 1320b-21(h)) is amended by striking “2010” and inserting “2011”.

SEC. 3. CONFORMING CHANGES TO THE WORK INCENTIVES PLANNING AND ASSISTANCE PROGRAM.

(a) ANNUAL REPORTS.—Section 1149 of the Social Security Act (as amended by section 2(a)) is further amended by redesignating subsections (e) and (d) as subsections (d) and (e), respectively, and inserting after subsection (b) the following new subsection:

“(e) ANNUAL REPORT.—Each entity awarded a contract under this section shall submit an annual report to the Commissioner on the benefits planning and assistance provided to individuals under such grant, agreement, or contract.”

(b) ONE-YEAR CARRYOVER.—

(1) IN GENERAL.—Section 1149(b)(4) of such Act (42 U.S.C. 1320b-20(b)(4)) is amended—

(A) by striking “(4) ALLOCATION OF COSTS.—The costs” and inserting the following:

“(4) FUNDING.—

(A) ALLOCATION OF COSTS.—The costs”; and

(B) by adding at the end the following:

“(B) CARRYOVER.—An amount not in excess of 10 percent of the total amount obligated through a grant, cooperative agreement, or contract awarded under this section for a fiscal year to a State or a private agency or organization shall remain available for obligations during such fiscal year and shall be available for providing benefits planning and assistance only for individuals who are within the caseload of the recipient of the grant, agreement, or contract as of immediately before the beginning of such fiscal year.”
Mr. TANNER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to review and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Madam Speaker, I yield myself as much time as I may consume.

This bill is an extension of two very important provisions of the Ticket to Work Act of 1999 which basically helps disabled Americans return to work when, and if, they can. This has been a bipartisan, collaborative effort that I was pleased to work on with Mr. JOHNSON some time ago. The bill has no direct spending and complies with pay-as-you-go rules.

I am pleased to support this important extension of two programs from the bipartisan Ticket to Work Act of 1999 which was introduced by my colleagues EARNED INCOME, JIM MCDERMOTT, and SAM JOHNSON.

This has been a bipartisan, collaborative effort to ensure that two important programs that help disabled Americans return to work continue for another year, and I thank my colleagues for their good work on this issue.

The Work Incentives Planning and Assistance program (WIPA) provides $23 million for community-based organizations to provide personalized assistance to help Supplemental Security Income (SSI) and Social Security Disability Insurance (DI) recipients understand Social Security’s complex work incentive policies and the effect that working will have on their benefits. In 2009, WIPA assisted over 37,000 SSI and DI beneficiaries who wanted to return to work.

The Protection and Advocacy for Beneficiaries of Social Security (PABSS) program provides $7 million in grants to designated Protection and Advocacy Systems to provide legal advocacy services that beneficiaries need to secure, maintain, or regain employment. In 2009, PABSS served nearly 9,000 beneficiaries.

If Congress does not extend these programs by the end of October, the Social Security Administration has told us there may be a lapse in service to beneficiaries, so it’s important that this act now.

The bill also includes two commonsense, good-government changes to increase accountability and make the WIPA program more efficient.

First, we add a requirement that all WIPA grantees report data to the Social Security Administration and that the beneficiaries they serve and the kinds of help they provided, the same requirement that current PABSS grantees have.

Good data is critical to our efforts to make sure that taxpayer funds to WIPAs are well-spent. It also helps us learn more about what kind of help disabled beneficiaries may need if they are able to return to work, which will allow us to make other improvements in future legislation.

Second, this legislation would allow all WIPA grantees to carry over 10 percent of their funding into the next year, a change originally proposed by the Obama Administration. This change will allow for better and more consistent funding instead of encouraging end-of-year spending.

By extending WIPA and PABSS for a year, we reaffirm our commitment to these important work support programs, while also acknowledging the need to consider policy and funding changes in the near future.

I urge my colleagues to support this bipartisan, commonsense legislation.

I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of the passage of this legislation, and I think the Supplemental Security Income and Social Security disability benefit programs provide an essential income safety net for people with disabilities.

Yet these programs face a real fiscal challenge. Waste, fraud and abuse continues to threaten public confidence. Most importantly the disability program will not be able to pay full benefits beginning just eight years from now in 2018.

Those who depend on these critical benefits are counting on us to act. They want answers and we must turn to these issues without delay.

With respect to the legislation we are considering today, just over 10 years ago Congress passed The Ticket to Work and Work Incentives Improvement Act to help those with disabilities get back to work.

The two grant programs we would reauthorize today were created as part of that landmark legislation.

One of the grant programs, The Work Incentives Planning Assistance Program funds community-based organizations to assist those receiving benefits to find work as well as understand Social Security’s complex rules and the effect of working on their benefits, their health care and on other public benefits they may receive.

Today there are a total of 103 community-based cooperative agreements in all 50 States. Last year these programs served over 37,000 people.

One example is The Work Incentive Planning Assistance Program of Easter Seals North Texas which serves 19 counties in the north Texas area, including my district. Thanks to their hard work, so far this year over 20 percent of their caseload has jobs.

The other grant program, The Protection and Advocacy Program for Beneficiaries of Social Security Program funds 57 grant programs covering all 50 States. These programs served almost 9,000 people last year, helping those working or trying to work by assisting in the resolution of potential disputes, including those with their employer.

The authorized funding level has remained constant since these programs were created.

While I support a one-year extension of these two important programs, I am disappointed that our Subcommittee has not continued the work it began in May of last year when we learned that Social Security’s Ticket to Work Program wasn’t working as we would like.

Despite some signs of improvement since new rules were issued, now more than ever, we need to look at how every taxpayer dollar is spent. No matter how well intended these programs are, at the end of the day taxpayers deserve to know if they are getting their money’s worth. Programs that don’t work must be changed or must end.

I urge all my colleagues to vote yes.

I yield back the balance of my time.

Mr. TANNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and pass the bill (H.R. 4337) to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes, as amended.

The Chair recognizes the gentleman from Tennessee.

Mr. JOHNSON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4337) to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes, as amended.

The Clerk read the title of the bill. The text of the bill is as follows: H.R. 4337

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

SECTION I. SHORT TITLE, ETC.

(a) Short Title.—This Act may be cited as the “Regulated Investment Company Modernization Act of 2010”.

(b) Reference.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title, etc.

TITLE I—CAPITAL LOSS CARRYOVERS OF REGULATED INVESTMENT COMPANIES

Sec. 101. Capital loss carryovers of regulated investment companies

TITLE II—MODIFICATION OF GROSS INCOME AND ASSET TESTS OF REGULATED INVESTMENT COMPANIES

Sec. 201. Income from commodities counted toward gross income test of regulated investment companies.

Sec. 202. Savings provisions for failures of regulated investment companies to satisfy gross income and asset tests.
TITLE III—MODIFICATION OF RULES RELATED TO DIVIDENDS AND OTHER DISTRIBUTIONS

Sec. 301. Modification of dividend designation requirements and allocation rules for regulated investment companies.

Sec. 302. Earnings and profits of regulated investment companies.

Sec. 303. Pass-through of exempt-interest dividends and foreign tax credits in fund of funds structure.

Sec. 304. Modification of rules for spillover dividends of regulated investment companies.

Sec. 305. Return of capital distributions of regulated investment companies.

Sec. 306. Distributions in redemption of stock of a regulated investment company.

Sec. 307. Repeal of preferential dividend rule for publicly offered regulated investment companies.

Sec. 308. Elective deferral of certain late-year losses of regulated investment companies.

Sec. 309. Exception to holding period requirement for certain regularly declared exempt-interest dividends.

TITLE IV—MODIFICATIONS RELATED TO EXCISE TAX APPLICABLE TO REGULATED COMPANIES

Sec. 401. Excise tax exemption for certain regulated investment companies owned by tax exempt entities.

Sec. 402. Deferral of certain gains and losses of regulated investment companies for excise tax purposes.

Sec. 403. Distributed amount for excise tax purposes of regulated investment companies for excise tax purposes.

Sec. 404. Increase in required distribution of capital gain net income.

TITLE V—OTHER PROVISIONS

Sec. 501. Repeal of assessable penalty with respect to liability for tax of regulated investment companies.

Sec. 502. Modification of sales load basis deferral rule for regulated investment companies.

TITLE VI—PAYGO COMPLIANCE

Sec. 601. Paygo compliance.

Sec. 602. PAYGO COMPLIANCE

SEC. 101. CAPITAL LOSS CARRYOVERS OF REGULATED INVESTMENT COMPANIES.

(a) In General.—Subsection (a) of section 1221 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

(3) Regulated investment companies.—If a regulated investment company has a net capital loss for any taxable year—

(i) paragraph (1) shall not apply to such loss,

(ii) the excess of the net short-term capital loss over the net long-term capital gain for such year shall be a short-term capital loss arising on the first day of the next taxable year, and

(iii) the excess of the net long-term capital loss over the net short-term capital gain for such year shall be a long-term capital loss arising on the first day of the next taxable year.

(b) Coordination with general rule.—If a net capital gain as described in paragraph (1) applies to a taxable year of a regulated investment company—

"(i) Losses to which this paragraph applies.—Clauses (ii) and (iii) of subparagraph (A) shall be applied without regard to any amount treated as a short-term capital loss under paragraph (1) of section 1221.

(ii) Losses to which general rule applies.—Paragraph (1) shall be applied by substituting 'net capital loss for the loss year or any taxable year thereafter' for 'net capital loss to which paragraph (3)(A) applies' for 'net capital loss for the loss year or any taxable year thereafter'."

(b) Conformity to stock redemption rules. —Subparagraph (C) of section 1212(a)(1) is amended to read as follows:

"(C) a capital loss carryover for each of the 10 taxable years beginning after the date of the enactment of this Act, but only to the extent such loss is attributable to a foreign pro loration of the excess of the net long-term capital gain for such year attributable to a foreign pro loration of the excess of the net short-term capital gain for such year.

(ii) Paragraph (10) of section 1222 is amended by striking 'section 1212' and inserting 'section 1212(a)(1)'.

(c) Effective date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to net capital losses for taxable years beginning after the date of the enactment of this Act.

(2) Coordination rules.—Subparagraph (B) of section 1212(a)(3) of the Internal Revenue Code of 1986, as added by this section, shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE II—MODIFICATION OF GROSS INCOME AND ASSET TESTS OF REGULATED INVESTMENT COMPANIES

SEC. 201. INCOME FROM COMMODITIES COUNTED TOWARD GROSS INCOME TEST OF REGULATED INVESTMENT COMPANY.

(a) Gross Income Test.—Subparagraph (A) of section 851(b)(2) is amended by striking 'commodities' and inserting "commodities (or options or futures with respect to stock or securities (or options or futures with respect to foreign currency gains which are not directly related to the company's principal business of investing in stock or securities (or options and futures with respect to foreign currency gains)) in the flush matter after paragraph (3).

(b) Conforming Amendments.—

(1) Subparagraph (b) of section 851 is amended by inserting "(determined by substituting 'foreign currencies' for 'commodities' therefor)" after "subsection (b)(2)(A)".

(2) Paragraph (4) of section 7004(d) is amended by inserting "(determined by substituting 'foreign currencies' for 'commodities' therein)" after "subsection (b)(2)(A)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 202. SAVINGS PROVISIONS FOR FAILURES OF REGULATED INVESTMENT COMPANIES TO SATISFY REQUIREMENTS.

(a) Asset Test.—Subsection (d) of section 851 is amended—

(1) by inserting "A corporation which meets" and inserting the following:

"(i) In General.—A corporation which meets", and

(2) by striking at the end the following new paragraph:

"(ii) Special rules regarding failure to satisfy requirements.—If paragraph (1) of this subsection applies to a corporation's status as a regulated investment company for any particular quarter—

"(A) In general.—A corporation that fails to meet the requirements of subsection (b)(3) (other than a failure described in subparagraph (B)(i) for such quarter shall not be considered to have satisfied the requirements of such subsection for such quarter if—

(i) following the corporation's identification of the failure to satisfy the requirements of such subsection, the corporation shall be considered to have satisfied the requirements of such subsection for such quarter if—

(ii) the failure to meet the requirements of such subsection for such quarter is due to reasonable cause and not due to willful neglect, and

(iii)(I) the corporation disposes of the assets specified in clause (i) within 6 months after the last day of the quarter in which the corporation's identification of the failure to satisfy the requirements of such subsection occurred or such other time period prescribed by the Secretary, or

(ii) the requirements of such subsection are otherwise met within the time period specified in clause (i)."

(2) RULE FOR CERTAIN MINIMUM FAILURES.—A corporation that fails to meet the requirements of subsection (b)(3) for such quarter shall nevertheless be considered to have satisfied the requirements of such subsection for such quarter if—

(I) such failure is due to the ownership of assets the total value of which does not exceed the lesser of—

(i) 1 percent of the total value of the corporation's assets at the end of the quarter for which such measurement is made, or

(ii) $10,000,000,

and

(ii)(I) the corporation, following the identification of the failure to satisfy the requirements of such subsection, disposes of assets in order to meet the requirements of such subsection within 6 months after the last day of the quarter in which the corporation's identification of the failure to satisfy the requirements of such subsection occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

(ii) the requirements of such subsection are otherwise met within the time period specified in clause (i)."

(c) Tax.—

(1) Tax imposed.—If paragraph (A) applies to a corporation for any quarter, there is hereby imposed on such corporation a tax in an amount equal to the greater of—

(I) $50,000, or

(II) the amount determined (pursuant to regulations promulgated by the Secretary) by multiplying the net income generated by the corporation's description of each asset that causes the corporation to fail to satisfy the requirements of such subsection at the close of such quarter by the amount described in subclause (I) of subparagraph (B)(i) for such quarter filed in the manner provided by the Secretary, or

(III) ADMINISTRATIVE PROVISIONS.—For purposes of subtitle F, a tax imposed by this section shall be treated as an excise tax with respect to which the deficiency procedures of such subtitle apply."
b) Gross Income Test.—Section 851 is amended by adding at the end the following new subsection:

"(i) Failure To Satisfy Gross Income Test.—"(1) Disclosure Requirement.—A corporation that fails to meet the requirement of paragraph (2) of subsection (b) for any taxable year shall, notwithstanding any other provision of law, be treated as having satisfied the requirement of such paragraph for such taxable year if—

(A) following the corporation’s identification of its failure to meet such requirement for such taxable year, a description of each item of its gross income described in such paragraph is set forth in a schedule for such taxable year filed in the manner provided by the Secretary, and

(B) the failure to meet such requirement is due to reasonable cause and not due to willful neglect.

"(2) Imposition of Tax on Failures.—If paragraph (1) applies to a regulated investment company for any taxable year, there is hereby imposed on such company a tax in an amount equal to the excess of—

(A) the gross income of such company which is not derived from sources referred to in subsection (b)(2), over

(B) 1/6 of the gross income of such company which is derived from such sources."

c) Deduction of Taxes Paid From Investment Company Income.—Paragraph (2) of section 852(b) is amended by adding at the end the following new subparagraph:

"(G) There shall be deducted an amount equal to the tax imposed by subsections (d)(2) and (i) of section 851 for the taxable year."

d) Effective Date.—The amendments made by this section shall apply to taxable years with respect to which the due date (determined with regard to any extensions) of the return of tax for such taxable year is after the date of the enactment of this Act.

TITLE III—Modification of Rules Related to Dividends and Other Distributions


(a) Capital Gain Dividends.—

(1) In General.—Subparagraph (C) of section 852(b)(3) is amended to read as follows:

"(C) Definition of Capital Gain Dividend.—"(i) In General.—As provided in clause (ii), a capital gain dividend is any dividend paid after December 31 of such taxable year by the company on account of capital gain dividends for the taxable year which results from a determination (as defined in section 860(e)) made by this section.

(ii) Allocations of Excess Reported Amount.—The term 'excess reported amount' means the excess of the aggregate reported amount over the net capital gain of the company for the taxable year.

(b) Exempt-Interest Dividends.—Subparagraph (A) of section 852(b)(3) is amended to read as follows:

"(A) Definition of Exempt-Interest Dividend.—"(i) In General.—As provided in clause (ii), an exempt-interest dividend is any dividend paid after December 31 of such taxable year by the company on account of exempt-interest dividends for the taxable year which results from a determination (as defined in section 860(e)) made by this section.

(ii) Allocations of Excess Reported Amount.—The term 'excess reported amount' means the excess of the aggregate reported amount over the net exempt-interest dividend for the taxable year which results from a determination (as defined in section 860(e)).

(c) Foreign Tax Credits.—

(1) In General.—Subsection (c) of section 853 is amended—

(A) by striking "so designated by the company in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year" and inserting "so reported by the company in a written statement furnished to such shareholder", and

(B) by striking "NOTICING SHAREHOLDERS" in the heading thereof.

(2) Conforming Amendments.—Subsection (d) of section 853 is amended—

(A) by striking "and notifying shareholders required by subsection (c)" in the text thereof, and

(B) by striking "NOTIFYING SHAREHOLDERS" in the heading thereof.

(d) Credits for Tax Paid by RELATED INVESTMENT COMPANIES.—

(1) In General.—Subsection (c) of section 853A is amended—

(A) by striking "so designated by the regulated investment company in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year" and inserting "so reported by the regulated investment company in a written statement furnished to such shareholder", and

(B) by striking "NOTIFYING SHAREHOLDERS" in the heading thereof.

(2) Conforming Amendments.—Subsection (d) of section 853A is amended—

(A) by striking "and notifying shareholders required by subsection (c)" in the text thereof, and

(B) by striking "NOTIFYING SHAREHOLDERS" in the heading thereof.

(e) Dividend Received Deduction, Etc.—

(1) In General.—Paragraph (1) of section 854(b) is amended—

(A) by striking "designated by the regulated investment company" in subparagraph (A) and inserting "reported by the regulated investment company as qualified dividends", and

(B) by inserting "regulatory investment company" in paragraph (2)(B)(i) and (D)(ii) and inserting "reported by the regulated investment company as qualified dividends", and

(C) by striking "regulated investment company" in paragraph (2)(D)(ii) and inserting "regulated investment company as qualified dividends".

(2) Effective Date.—The amendments made by this section shall apply to taxable years with respect to which returns are filed after the date of the enactment of this Act.
(C) by striking ‘‘designated’’ in subpara- 
graph (C)(1) and inserting ‘‘reported’’, and 
(D) by striking ‘‘designated’’ in subpara- 
graph (C)(ii) and inserting ‘‘reported’’.

(2) IN GENERAL.—Subsection (b) of section 854 is amended by striking paragraph (2) and by redesignating para- 
graphs (3), (4), and (5), as paragraphs (2), (3), and (4), respectively.

(3) DIVIDENDS PAID TO CERTAIN FOREIGN 
PERSONS.—

(1) INTEREST-RELATED DIVIDENDS.—Sub- 
paragraph (C) of section 871(k)(1) is amended by striking all that precedes ‘‘any taxable year of the company beginning’’ and insert- 
ing the following:

‘‘(C) INTEREST-RELATED DIVIDEND.—For pur- 
poses of this paragraph—

‘‘(i) IN GENERAL.—Except as provided in 
clause (ii), an interest related dividend is any 
dividend, or part thereof, which is re- 
ported by the company as an interest related 
dividend in written statements furnished to 
its shareholders.

‘‘(ii) EXCESS REPORTED AMOUNT.—If the 
aggregate reported amount with respect to 
any taxable year of the company beginning’’ and insert- 
ing the following:

‘‘The term ‘aggregate reported amount’ means the 
aggregate amount of dividends reported by 
the company as a short-term capital gain divid- 
dend in written statements furnished to its shareholders.

‘‘(iii) ALLOCATION OF EXCESS REPORT- 
ED AMOUNT.—

‘‘(I) IN GENERAL.—Except as provided in 
subsection (a), the excess reported amount which 
which bears the same ratio to the excess reported 
amount which is allocable to such reported interest related 
dividend amount.

‘‘(ii) SPECIAL RULE FOR NONCALENDAR 
YEAR TAXPAYERS.—In the case of any taxable 
year which does not begin and end in the same 
calendar year, if the post-December reported 
amount equals or exceeds the excess reported 
amount for such taxable year, subclause (I) 
shall be applied to the excess reported amount 
which bears the same ratio to the excess reported 
amount which is allocable to such reported interest related 
dividend amount.

‘‘(iv) DEFINITIONS.—For purposes of this 
subparagraph—

‘‘(I) REPORTED SHORT-TERM CAPITAL GAIN 
DIVIDEND AMOUNT.—The term ‘reported short- 
term capital gain dividend amount’ means the 
amount reported to its shareholders under 
clause (i) as a short-term capital gain divid- 
dend.

‘‘(II) EXCESS REPORTED AMOUNT.—The term ‘excess reported amount’ means the excess of 
the aggregate reported amount over the 
qualified net interest income of the company 
which begins on the day of the next taxable year by reason of 
the requirements of subsection (a)(1), and

‘‘(iii) AGGREGATE REPORTED AMOUNT.— 
The term ‘aggregate reported amount’ means the 
aggregate amount of dividends reported by 
the company under clause (i) as interest 
related dividends for the taxable year includ- 
ing interest related dividends paid after the 
close of the taxable year described in subsection (e).

‘‘(A) applies.’’. 

(b) CONFORMING AMENDMENTS.— 

(1) Section 852 is amended by adding the 
end the following new para- 
graph:

‘‘(10) the regulated investment company deter-
mined without regard to whether such fund satis- 
fies the requirements of the first sentence of 
subsection (b)(5), and

‘‘(B) such fund may elect the application of 
section 853 (relating to foreign tax credit 
allowed to shareholders) without regard to the 
requirements of subsection (a)(6) thereof.

(2) QUALIFIED FUND OF FUNDS.—For pur- 
poses of this subsection, the term ‘qualified fund of funds’ means a regulated investment company if (at the close of each quarter of 
the taxable year) at least 50 percent of the 
value of its total assets is represented by in- 
vestments in other regulated investment compa- 

(c) EFFECTIVE DATE.—The amendments 
made by this section shall apply to taxable 
years beginning after the date of the enact-
ment of this Act.

Sec. 303. Pass-Through of Exempt-Interest Divi- 
dends and Foreign Tax Credits in Fund of Funds Structure.

(a) IN GENERAL.—Section 852 is amended by 
adding at the end the following new sub-
section:

‘‘(g) SPECIAL RULES FOR FUND OF FUNDS.—

‘‘(1) IN GENERAL.—In the case of a qualified 
fund of funds—

‘‘(A) such fund shall be qualified to pay 
exempt-interest dividends to its shareholders 
without regard to whether such fund satis-
fies the requirements of the first sentence of 
subsection (b)(5), and

‘‘(B) such fund may elect the application of 
section 853 (relating to foreign tax credit 
allowed to shareholders) without regard to the 
requirements of subsection (a)(6) thereof.

‘‘(2) QUALIFIED FUND OF FUNDS.—For pur-
poses of this subsection, the term ‘qualified fund of funds’ means a regulated investment company if (at the close of each quarter of 
the taxable year) at least 50 percent of the 
value of its total assets is represented by in-
vestments in other regulated investment compa-

(b) EFFECTIVE DATE.—The amendment 
made by this section shall apply to taxable 
years beginning after the date of the enact-
ment of this Act.

Sec. 304. Modification of Rules for Spill- 
over Dividends from Regulated Investment 
Companies.

(a) DEADLINE FOR DECLARATION OF DIVI- 
DEND.—Paragraph (1) of section 855(c)(a) is amended by adding at the end the following new para- 
graph:

‘‘(1) declares a dividend before the later of—

(1) modulation of rules for spill- 
over dividends from regulated investment 
companies.
“(A) the 15th day of the 9th month following the close of the taxable year, or
“(B) in the case of an extension of time for filing the corporation’s return for the taxable year, the due date for filing such return, taking into account such extension, and”.}

(b) DEADLINE FOR DISTRIBUTION OF DIVIDEND.—Paragraph (1) of section 855 is amended by striking “the first regular dividend payment” and inserting “the first dividend payment of the same type of dividend”.}

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in taxable years beginning after the date of the enactment of this Act.

SEC. 305. RETURN OF CAPITAL DISTRIBUTIONS OF A REGULATED INVESTMENT COMPANY.

(a) IN GENERAL.—Subsection (b) of section 351 is amended by adding at the end the following:

“(4) CERTAIN DISTRIBUTIONS BY REGULATED INVESTMENT COMPANIES IN EXCESS OF EARNINGS AND PROFITS.—In the case of a regulated investment company that has a taxable year other than a calendar year, if the distributions by the company with respect to any class of stock of such company for the taxable year exceed the company’s current and accumulated earnings and profits which may be used for the payment of dividends on such class of stock, the company’s current earnings and profits shall, for purposes of subsection (a), be allocated first to distributions with respect to such class of stock made during the portion of the taxable year which precedes January 1.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions in taxable years beginning after the date of the enactment of this Act.

SEC. 306. DISTRIBUTIONS IN REDEMPTION OF STOCK OF A REGULATED INVESTMENT COMPANY.

(a) REDEMPTIONS TREATED AS EXCHANGES.—

(I) IN GENERAL.—Subsection (b) of section 302 is redesignated as subsection (5) and by inserting after paragraph (4) the following new paragraph:

“(D) REDEMPTIONS BY CERTAIN REGULATED INVESTMENT COMPANIES.—Except to the extent provided in regulations prescribed by the Secretary, subsection (a) shall apply to any distribution in redemption of stock of a publicly offered regulated investment company (within the meaning of section 67(c)(2)(B)) if—

“(a) such redemption is upon the demand of the stockholder, and

“(B) such company issues only stock which is redeemable upon the demand of the stockholder, and

“(2) CONFORMING AMENDMENT.—Subsection (a) of section 302 is amended by striking “or (4)” and inserting “(4), or (5)”.

(b) DISTRIBUTIONS NOT DISALLOWED FOR FUND-OF-FUNDS REGULATED INVESTMENT COMPANIES.—Paragraph (3) of section 267(f) is amended by adding at the end the following new subparagraph:

“(D) REDEMPTIONS BY FUND-OF-FUNDS REGULATED INVESTMENT COMPANIES.—Except to the extent provided in regulations prescribed by the Secretary, paragraph (2) shall not apply to any distribution in redemption of stock of a regulated investment company if—

“(I) such company issues only stock which is redeemable upon the demand of the stockholder, and

“(II) such redemption is upon the demand of another regulated investment company.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in taxable years beginning after the date of the enactment of this Act.

SEC. 307. REPEAL OF PREFERENTIAL DIVIDEND RULE FOR PUBLICLY OFFERED REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Subsection (c) of section 562 is amended by striking “The amount” and inserting “Except in the case of a publicly offered regulated investment company (as defined in section 67(c)(2)(B)), the amount”.

(b) CONFORMING AMENDMENT.—Section 562(c) is amended by inserting “(other than a publicly offered regulated investment company (as so defined))” after “regulated investment company” in the second sentence thereof.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in taxable years beginning after the date of the enactment of this Act.

SEC. 308. ELECTIVE DEFERRAL OF CERTAIN YEAR-TO-YEAR LOSSES OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraph (8) of section 852(b) is amended to read as follows:

“(B) ELECTIVE DEFERRAL OF CERTAIN YEAR-TO-YEAR LOSSES.—

“(A) IN GENERAL.—Except as otherwise provided by the Secretary, a regulated investment company may elect for any taxable year to treat any portion of any qualified late-year loss for such taxable year as arising on the first day of the following taxable year for purposes of this chapter to distributions made by a regulated investment company which declares exempt-interest dividends on a daily basis in an amount equal to at least 50 percent of its net tax-exempt interest and distributes such dividends on a monthly or more frequent basis.

“(III) AUTHORITY TO SHORTEN REQUIRED HOLDING PERIOD WITH RESPECT TO OTHER COMPANY SHARES.—

(b) CONFORMING AMENDMENT.—Clause (i) of section 852(b)(4)(E), as amended by subsection (a), is amended by inserting “(other than a company described in clause (i))” after “regulated investment company”.}

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE IV—MODIFICATIONS RELATED TO EXCISE TAX APPLICABLE TO REGULATED INVESTMENT COMPANIES

SEC. 401. EXCISE TAX EXEMPTION FOR CERTAIN REGULATED INVESTMENT COMPANIES OWNED BY TAX EXEMPT ENTITIES.

(a) IN GENERAL.—Subsection (f) of section 4982 is amended—

(1) by striking “(b) another regulated investment company”;

(2) by striking “or” at the end of paragraph (1); and

(3) by striking the period at the end of paragraph (2), and

(4) by inserting after paragraph (2) the following new paragraph:

“(C) THE INCOME FROM THE EXCESS OF THE EXCISE TAX APPLICABLE TO REGULATED INVESTMENT COMPANIES DESCRIBED IN THIS SUBSECTION.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.
SEC. 402. DEFERRAL OF CERTAIN GAINS AND LOSSES OF REGULATED INVESTMENT COMPANIES FOR EXCISE TAX PURPOSES.

(a) In General.—Subsection (e) of section 4982 is amended by striking paragraphs (5) and (6) and inserting the following new paragraphs:

"(5) TREATMENT OF SPECIFIED GAINS AND LOSSES AFTER OCTOBER 31 OF CALENDAR YEAR—

"(A) In General.—Any specified gain or specified loss which (but for this paragraph) would be properly taken into account for the portion of the calendar year after October 31 shall be treated as arising on January 1 of the following calendar year.

"(B) SPECIFIED GAINS AND LOSSES.—For purposes of this paragraph—

"(i) SPECIFIED GAIN.—The term 'specified gain' means ordinary gain from the sale, exchange, or other disposition of property (including the termination of a position with respect to such property). Such term shall include any foreign currency gain attributable to a section 988 transaction (within the meaning of section 988) and any amount includible in gross income under section 1298(a)(1).

"(ii) SPECIFIED LOSS.—The term 'specified loss' means ordinary loss from the sale, exchange, or other disposition of property (including the termination of a position with respect to such property). Such term shall include any foreign currency loss attributable to a section 988 transaction (within the meaning of section 988) and any amount allowable as a deduction under section 1298(a)(2).

"(C) SPECIAL RULE FOR COMPANIES ELECTING TO USE THE TAXABLE YEAR.—In the case of any company making an election under paragraph (4) of this subsection, the term 'specified gain' shall be treated as specified gain for purposes of this paragraph.

"(D) TREATMENT OF MARK TO MARKET GAINS.—

"(i) SPECIFIED GAIN.—The term 'specified gain' means ordinary gain from the sale, exchange, or other disposition of property (including the termination of a position with respect to such property). Such term shall include any foreign currency gain attributable to a section 988 transaction (within the meaning of section 988) and any amount includible in gross income under section 1298(a)(1).

"(ii) SPECIFIED LOSS.—The term 'specified loss' means ordinary loss from the sale, exchange, or other disposition of property (including the termination of a position with respect to such property). Such term shall include any foreign currency loss attributable to a section 988 transaction (within the meaning of section 988) and any amount allowable as a deduction under section 1298(a)(2).

"(E) TREATMENT OF GAINS AND LOSSES.—

"(i) SPECIFIED GAIN.—The term 'specified gain' means ordinary gain from the sale, exchange, or other disposition of property (including the termination of a position with respect to such property). Such term shall include any foreign currency gain attributable to a section 988 transaction (within the meaning of section 988) and any amount includible in gross income under section 1298(a)(1).

"(ii) SPECIFIED LOSS.—The term 'specified loss' means ordinary loss from the sale, exchange, or other disposition of property (including the termination of a position with respect to such property). Such term shall include any foreign currency loss attributable to a section 988 transaction (within the meaning of section 988) and any amount allowable as a deduction under section 1298(a)(2).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 403. DISTRIBUTED AMOUNT FOR EXCISE TAX PURPOSES DETERMINED ON BASIS OF TAXES PAID BY REGULATED INVESTMENT COMPANIES.

(a) In General.—Subsection (c) of section 4982 is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULE FOR ESTIMATED TAX PAYMENTS.—

"(A) In General.—In the case of a regulated investment company which elects the application of this paragraph for any calendar year—

"(i) the distributed amount with respect to such calendar year shall be increased by the amount on which qualified estimated tax payments are made by such company during such calendar year, and

"(ii) the distributed amount with respect to such company for the following calendar year shall be reduced by the amount of such increase.

"(B) QUALIFIED ESTIMATED TAX PAYMENTS.—For purposes of this paragraph, the term 'qualified estimated tax payments' means, with respect to any calendar year, payments of estimated tax of a tax described in paragraph (1)(B) for any taxable year which begins (but does not end) in such calendar year.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

SEC. 404. INCLUSION IN REQUIRED DISTRIBUTION OF CAPITAL GAIN NET INCOME.

(a) In General.—Subparagraph (B) of section 4982(b)(1) is amended by striking "98.2 percent" and inserting "98.2 percent".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

TITLE V—OTHER PROVISIONS

SEC. 501. REPEAL OF ASSESSABLE PENALTY WITH RESPECT TO LIABILITY FOR TAX OF REGULATED INVESTMENT COMPANIES.

(a) In General.—Part I of subchapter B of chapter 48 is amended by striking section 6697 (and by striking the item relating to such section in the table of sections of such part).

(b) CONFORMING AMENDMENT.—Section 860 is amended by striking subsection (a).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

SEC. 502. MODIFICATION OF SALES LOAD BASIS DEEMED TO BE DISTRIBUTED FEE FOR REGULATED INVESTMENT COMPANIES.

(a) In General.—Paragraph (6) of section 852(f)(1) is amended by striking "subsequent acquires" and inserting "acquires, during the period beginning on the date of the disposition referred to in subparagraph (B) and ending on January 31 of the calendar year following the calendar year that includes the date of such disposition.

(b) EFFECTIVE DATE.—The amendment made by this subsection is applicable to charges incurred in taxable years beginning after the date of the enactment of this Act.

TITLE VI—PAYGO COMPLIANCE

SEC. 601. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of the PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. NEAL) and the gentleman from Michigan (Mr. CAMP) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. NEAL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. NEAL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, more than 100 years ago, the first U.S. mutual fund was started in Boston. Mutual funds have been a way of life for "everyman" to invest in the market, with the benefits of diversification and risk reduction. Indeed, it invites the term "mutualization."

Today, more than 50 million households invest through mutual funds with a median household income of $50,000. More than 50 percent of 401(k) plan assets were invested in mutual funds at the end of 2009.

H.R. 4337 was introduced last year by Mr. Rangel and me to modernize the tax laws regarding regulated investment companies, better known as mutual funds. A technical explanation and revenue table for this bill may be found on the Joint Tax Web site, www.jct.gov.

The tax rules that relate to mutual funds date back more than a half century. Although these rules have been updated from time to time, it has been over 20 years since they were last revisited. The bill before us today would make several changes to the Tax Code to address outdated provisions, such as rules that relate to preferential dividends and rules that require mutual funds to send separate annual dividend designation notices to shareholders and rules that prevent mutual funds from earning income from commodities.

In June, my subcommittee, the Select Revenue Measures Subcommittee, reviewed this legislation with a panel of experts who expressed support for these changes.

Today, I am pleased to be joined by my friend, the gentleman from Michigan (Mr. CAMP), in bringing this bill to the floor with a few technical changes and revenue offsets from within the industry. The Ways and Means Committee has the responsibility to review our tax rules from time to time, remove the dead wood, and update where necessary. This bill accomplishes that to the benefit of investors, taxpayers, and mutual fund companies. I urge its adoption.

I reserve the balance of my time.

Mr. CAMP. Madam Speaker, I ask unanimous consent to revise and extend his remarks.

Mr. CAMP. Madam Speaker, regulated investment companies, better
known in their most prevalent form as mutual funds, are intended to provide individual investors the ability to invest easily and with low costs in a diversified pool of professionally managed investments. According to the Investment Company Institute, ICI, the main organization for mutual funds, more than 50 million American families currently invest in mutual funds.

Most of the current law mutual fund rules have not been collectively updated more than two decades ago. H.R. 4337 would modify and update certain technical tax rules pertaining to mutual funds in order to make them better conform to, and interact with, other aspects of the Tax Code and applicable securities laws.

On June 15, 2010, the Ways and Means Subcommittee on Select Revenue Measures held a hearing on H.R. 4337. Invited witnesses, including a representative of ICI, were supportive of the bill, and not aware of any controversy or opposition to the legislation.

Let me close by making a broader point. It certainly is appropriate for Ways and Means to periodically review the current law mutual fund tax rules and make sure that targeted provisions of importance to particular segments of the economy, including the mutual fund industry and their investors, are kept up to date; and I certainly appreciate the majority’s decision to hold a hearing on this bill before bringing it to the floor, because our committee works best when it works under regular order.

Having said that, I must say that I am deeply disappointed that our committee seems to have lost sight of its responsibility to address the single most significant tax issue facing Americans right now—preventing a massive $3.8 trillion tax increase at the end of this year. These looming tax hikes on families, seniors, investors, and small businesses not only threaten every American taxpayer with higher taxes, but they’re also contributing significantly to the uncertainty we see in the economy as a whole. So while we should continue to work together to modernize the tax rules governing mutual funds, we also should be working together to prevent harmful tax increases, such as the tax hikes on capital gains and dividends that will dramatically affect the very same mutual fund investors we’re focusing on here today.

With that, Madam Speaker, I urge support for the bill before us.

Investment Company Institute, 1000 F Street, N.W., Washington, DC 20005.

Re: ICI Strongly Supports Mutual Fund Modernization Legislation.

Hon. Nancy Pelosi, Speaker, House of Representatives, U.S. Capitol, Washington, DC.

Hon. John Boehner, Republican Leader, House of Representatives, U.S. Capitol, Washington, DC.

Dear Ms. Pelosi and Mr. Boehner: The Investment Company Institute strongly supports the bipartisan Regulated Investment Company ("RIC") Modernization Act (H.R. 4337). On behalf of the millions of mutual fund shareholders who would benefit from this bill, we urge all House members to vote favorably on this bill when it is considered on the Suspension Calendar.

This bill would modernize the tax laws that govern mutual funds that have not been updated in any meaningful or comprehensive way since 1986, almost a quarter century ago; some of the provisions in current law date back 60 years. Numerous developments during the past 20-plus years—including the development of new fund structures and distribution channels—have placed demands on the currently applicable tax rules.

The legislation’s many benefits were discussed in detail during the bill’s June 2010 hearing before the Committee on Ways and Means Select Revenue Measures Subcommittee. The three key areas in which the bill would benefit funds and their shareholders involve:

- improving the efficiency of mutual fund investment structures,
- reducing disproportionate tax consequences for inadvertent errors, and
- minimizing the need for amended tax statements and amended tax returns.

As discussed in detail in our testimony before the Subcommittee, the bill would reduce the burden arising from amended year-end tax information statements, improve a fund’s ability to meet its distribution requirements, and update the tax treatment of investing in a "fund-of-funds" structure and update the tax treatment of fund capital losses.

This bill reflects the sponsors’ conclusion, with which we strongly agree, that it is important to update the current mutual fund tax rules. By eliminating uncertainties and allowing appropriate innovations, funds will become more efficient. The ICI supports the pay-fors included in H.R. 4337, which apply to regulated investment companies and fully offset the modest revenue costs of the legislation.

Enacting this legislation will allow our members to focus on what they do best—serving their shareholders. We urge your support.

Sincerely,

Paul Schott Stevens, President and Chief Executive Officer.
The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. VAN HOLLEN. Madam Speaker, Americans across the Nation are increasingly interested in the contribution that clean, homegrown fuels can make to our environment, economic development, and energy security. Additionally, I hear from many of my constituents that they believe Federal policy should move toward the development of biofuels that do not compete with food and otherwise operate on a feedstock and technology-neutral basis.

Today’s legislation advances those goals by including algae as a qualified feedstock under the existing cellulosic biofuel credit. It is forward-looking legislation that recognizes the rapidly evolving nature of the advanced biofuels industry and the demonstrated potential of biofuels made from algae.

Algae are well suited for the large scale. First, the algae industry is poised to power our cars, trucks, and airplanes, and to provide electricity. We need to produce billions of gallons of liquid biofuels to burn in cars, trucks, and airplane engines. We need to capture the wind, the sun, and other forms of renewable energy, we need to build new nuclear facilities. We need to drill for more oil and natural gas. And we need to do it right here in America.

Most every hamburger that I have ever had has come somehow from American oil and gas. The industry employs almost 20,000 people in New Mexico. It is a source of wealth, jobs, energy, and education funding in my State; and I’ve been proud to fight for New Mexico oil and gas in Congress. While New Mexico has been successful developing its oil and gas resources, we have failed to develop the diverse alternative energy jobs.

MADAM SPEAKER. The gentlefrom Michigan (Mr. CAMP) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. VAN HOLLEN. Madam Speaker, I ask unanimous consent that all Members have five legislative days to revise and extend their remarks and include any extraneous material in the Congressional Record.
biofuels. The legislation contains a limitation on the products that will qualify for the tax incentives. They must be derived solely from qualifying feedstocks. Qualifying feedstocks include, in addition to cellulosic material, any algae, cyanobacteria, and lemons. Beyond that, the bill does not distinguish among these feedstocks, and the way they are used to produce the feedstock and the biofuel. It is the intent of this provision to cover all technologies using qualified feedstocks such as algae.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. VAN HOLLEN. Madam Speaker, I yield the gentleman another 2 minutes.

Mr. TEAGUE. Bottom line, tax parity will help algal biofuel producers attract needed capital to produce energy right here at home and create hundreds of thousands of jobs for new energy in New Mexico and across this great country.

Madam Speaker, when Americans go to the pump to fill up their tanks today, they are sending 70 cents of every dollar overseas, much of which don't like us very much, and are creating jobs in places like Saudi Arabia and Venezuela. I don't want Americans to be creating jobs for the supporters of Hugo Chavez when they use energy. We should be creating energy jobs right here at home, employing American workers to produce the energy which we need and that we can export.

Passing this bill today is a step toward a "Do it all, do it in America" energy policy. We can create American jobs and make our country more secure by producing our energy right here at home. This is a commonsense bipartisan bill that will create jobs and move America toward energy independence.

I would like to thank Chairman LEVIN, Ranking Member CAMP, and members of the Ways and Means Committee for their support.

Mr. CAMP. Madam Speaker, I yield myself such time as I may consume.

(Mr. CAMP asked and was given permission to revise and extend his remarks.)

Mr. CAMP. Madam Speaker, this bill seeks to expand the eligibility for certain current law tax benefits to algae-based fuels. Specifically, it would make algae or algae plant property eligible for both the cellulosic biofuel producer credit and for 50 percent bonus depreciation.

Regardless of whether Members believe these enhanced tax benefits for algae are appropriate, I think it's important to make a few observations about this bill, about the process under which we are considering it, and about the majority's decision to make this the centerpiece of its tax agenda during this, the final week of session. With respect to the bill itself, I would note that these same algae-related benefits, along with many other energy-related tax provisions, were included as a part of Chairman LEVIN'S much broader green jobs discussion draft which had been expected to be formally considered by the Ways and Means Committee as a package. It's worth asking why only the algae-related provisions of that broader energy bill merit special consideration in stand-alone legislation, which is quite unusual for tax legislation, while leaving out the other provisions in that broader bill languish without so much as a committee markup.

If Ways and Means had actually held a mark-up on these algae-related provisions, Members could have fully explored whether it is advisable to expand the cellulosic biofuel producer credit, credit that has proven controversial over the past several years. Indeed, Members of both parties supported efforts to close a major potential loophole in that credit that could have permitted using an alternative fuel created as a byproduct of the paper-making process to qualify. Given such recent, high-profile alarm about potential abuse of the cellulosic biofuel producer credit, one would think that effort to further expand the credit would be pursued only after consideration and a formal Ways and Means Committee mark-up under regular order. I think we do the best work when we proceed under regular order. But, instead, these provisions have been rushed directly to the floor.

But what is most disturbing about the tax debate we are having here today is what we are not debating. Rather than using this last week of session prior to the election to prevent a massive $3.8 trillion tax increase from taking effect at the end of the year, the majority's tax agenda for this final week, instead centers on a bill that promises tax credits for algae and not much more: instead of protecting American families, seniors and investors and small businesses from a job-killing, $3.8 trillion tax hike, we are here debating tax benefits for algae.

Madam Speaker, governing is about setting priorities, and the majority's tax agenda for the week shows just how out of line the majority's priorities are with those of the American people.

Madam Speaker, I yield the balance of my time as I may consume to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. I thank the ranking member. I appreciate the fact of this bill being brought forward.

Madam Speaker, when we talk about the next generation, second or third generation biofuels, we all know, any reasonable person knows, that the mandates of adding renewable fuels in our fuel stream, the mandate that you cannot sell less than 3 percent of gasoline legally gasoline, and you cannot sell less than 10 percent of diesel legally diesel in the United States unless it has a 10 or 8 percent by volume content of renewable fuels, that mandate never, ever meant to leave us with first generation renewable fuels. We all knew that first generation was a necessity, something we had to get through, something that was expensive, maybe not as environmentally friendly as we like, but a transition we hoped would come eventually.

Algae fuel has the capability of building that bridge to the future to lead the first generation renewables behind and move forward. The fact is that algae fuel is not only highly effective; algae fuel equals the fossil fuel one-to-one in energy capabilities. The fact is that algae fuel, as it gets developed, is capable of not just driving our cars, but flying our airplanes, of actually replacing diesel. Algae fuel has the capability of being compatible with the existing infrastructure. Unlike other fuels, you do not have to ship algae fuel by truck from one location to the other, thus creating a whole new group of environmental and air pollution problems to support it within the pipe systems that exist today. You can refine it in the refineries that exist today.

Algae fuel has the capability of being 1, 2 percent, or 30 percent of the fuel stream within the existing infrastructure. It is totally compatible to be phased in, a huge benefit that does not exist with the first generation.
Mr. DREIER are cosponsors of the legislation, and so those two aspects of the bill made it a good candidate for coming forward. Currently, given the other comments made by the gentleman with respect to the importance of moving forward on tax relief for small businesses and others around the country, I would just remark that just last Thursday, on the floor of this House, we had a vote on a bill for small business lending to make sure that we increased credit to struggling small businesses around the country to make sure that they would make payroll, to make sure that they could take on the costs that they needed to expand. And part of that bill also contained significant tax relief for small businesses.

And it was ironic that many of our Republican colleagues were off-site at a small business venture, and then came back to the Hill to vote against that bill, a bill that the Republican Senator, retiring Republican Senator from Ohio, Senator Voinovich said was important to small businesses, and said it is time to put aside politics and get this done.

I am very pleased that the result of the action taken in this House and the Senate was the President signed that bill yesterday so that small businesses can have access to credit and small businesses will get the tax relief they need.

We look forward in this body to being able to move on to make sure that middle class taxpayers, 98 percent of the American people, can get tax relief without being held hostage to the demands of the Senate Republican leader that we also provide budget-busting tax breaks to the folks at the very top, adding $700 billion to the deficit over the next 10 years, which is fiscally reckless and which, in the long term, will crimp economic and job growth.

Know that the American people want to get accomplished before January 1 of 2011, but it does take a step in the right direction, helps to correct the mistake.

And yes, Congressman, I will go back to talk to Arnold Schwarzenegger and say, damn it, we have got to change our regulation so we can produce this algae in California so you don't get all your regulation so we can produce this algae in California so you don't get all the costs that they needed to expand. And part of that bill also contained significant tax relief for small businesses.

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“(A) a description of the objectives and goals of the program;

“(B) an assessment of the extent to which the objectives and goals described in subparagraph (A) have been met, based on the quantifiable performance measures and metrics required under this section, section 622(a)(4), and section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749);

“(C) recommendations for any program modifications to improve the effectiveness of the program, to address changed or emerging conditions; and

“(D) an assessment of the experience of recipients of covered grants, including the availability of clear and accurate information, the timeliness of reviews and awards, and the provision of technical assistance, and recommendations for improving that experience.

“(d) Grants Program Measurement Study.—

“(1) In general.—Not later than 30 days after the enactment of Redundancy Elimination and Enhanced Performance for Preparedness Grants Act, the Administrator shall enter into a contract with the National Academy of Public Administration under which the National Academy of Public Administration shall assist the Administrator in studying, developing, and implementing—

“(A) quantifiable performance measures and metrics to assess the effectiveness of grants administered by the Department, as required under this section and section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749); and

“(B) the plan required under subsection (b)(3).

“(2) Report.—Not later than 1 year after the date on which the contract described in paragraph (1) is awarded, the Administrator shall submit to the appropriate committees of Congress a report that describes the findings and recommendations of the study conducted under paragraph (1).

“(3) Authorization of Appropriations.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this subsection.

“(b) Technical and Conforming Amendment.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

“Sec. 202. Identification of reporting redundancies and development of performance metrics.”.

“The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CUELLAR) and the gentleman from Georgia (Mr. BROUN) each will control 20 minutes.

“The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. CUELLAR. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to review and extend their remarks and insert extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CUELLAR. I rise in support of the motion to concur in the Senate amendment to H.R. 3980, and I yield myself such time as I may consume.

Madam Speaker, I introduced H.R. 3980, the Redundancy Elimination and Enhanced Performance for Preparedness Grants Act, because I believe that we need greater accountability for the $4 billion in grant funding provided annually by the Federal Emergency Management Agency.

I want to thank Chairman THOMPSON and Ranking Member KING of the committee, as well as Congresswoman RICHARDSON and Congressmen Rogers from Alabama, the chairman and the ranking member of the Subcommittee on Emergency Communications, Preparedness, and Response, as well as my good friend, Senator JOE LIEBERMAN, for supporting this bill, and all the staff who has worked very hard on this bill. I ask that the Senate amendment to H.R. 3980 that builds upon this legislation by directing FEMA to work with the National Academy of Public Administration to formulate performance measures for the grant programs.

This bill plus the amendment simply calls for greater accountability that we are able to measure and that we are able to see that we have results.

So I ask my colleagues to support this Senate amendment to H.R. 3980 and pass it by unanimous consent.

I reserve the balance of my time.

Mr. BROUN of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 3980 as amended by the Senate. This bill was passed by the House on December 2, 2009, by a vote of 414-0. On September 22, 2010, the bill passed the Senate, with an amendment, by unanimous consent.

H.R. 3980 requires the Federal Emergency Management Agency, FEMA, to identify and eliminate any redundant requirements that place an undue burden on State and local governments to receive grant funds under the State Homeland Security Grant Program, the Urban Area Security Initiative, and other programs as determined by the FEMA administrator. This bill will help address the issue of grant recipients having to report similar information under numerous grant programs.

In addition, H.R. 3980 builds on the requirements in the Post-Katrina Emergency Management Reform Act of 2006 and the 9/11 Act of 2007 by requiring FEMA to develop and implement performance measures for these vital programs and to report to Congress every 2 years on the status of these efforts.

The Post-Katrina Reform Act and the 9/11 Act both required FEMA to develop metrics to identify and close gaps in preparedness. Unfortunately, several years later, FEMA continues to struggle with integrating these requirements to produce meaningful results.

This bill also calls on FEMA to conduct an overall assessment of the State Homeland Security Grant Program, the Urban Area Security Initiatives, and other grants specified by the administrator.

Together, these requirements will help ensure that Congress is kept informed of FEMA’s progress in effectively administering these grants and addressing any deficiencies that may exist.

I urge my colleagues to support this bill, and I congratulate my good friend and colleague from Texas for the bill.

I yield back the balance of my time.

Mr. CUELLAR. Mr. Speaker, I yield myself such time as I may consume.

This Senate amendment is an amendment that just adds accountability to the grant dollars, and I think it is important, just as the gentleman from Georgia. And I certainly want to thank my friend from Georgia, because we understand, just as Mr. ROGERS, also, that we have got to make sure that we provide accountability. We are talking about $4 billion a year. We just have got to have accountability. I urge all my colleagues to support this measure.

The agreement to the amendment to H.R. 3980 that builds on the legislation that just adds accountability to the grant dollars, and I think it is important, just as the gentleman from Georgia. And I certainly want to thank Representative CUELLAR for introducing this legislation and my colleagues on the Committee on Homeland Security for helping to make this a truly bi-partisan effort.

For years, FEMA has struggled to establish a system for determining the effectiveness of the billions of dollars it gives to State, local, and tribal governments to help them prepare for natural disasters, acts of terrorism and other man-made disasters.

Such a system is essential to ensure that the taxpayers’ money is being used wisely and effectively.

The Senate Amendment to H.R. 3980 would address this problem by requiring the FEMA Administrator to submit a plan to Congress for developing performance measures for its preparedness grants and streamlining the grant process by eliminating duplicative reporting requirements for grant recipients.

In October of 2009, the House Committee on Homeland Security’s Subcommittee on Emergency Communications, Preparedness, and Response, then chaired by Mr. CUELLAR of Texas, held an oversight hearing into whether FEMA had a plan in place for performance measures for the approximately $29 billion in homeland security grants it had provided the nation.

At that hearing, it became evident that FEMA had not yet developed an effective system for measuring the effectiveness of its grants and that in administering them, it unnecessarily burdened State, local, and tribal governments by requiring grant recipients to submit duplicative information.

On November 2, 2009, Mr. CUELLAR translated the Committee’s oversight findings into legislation—H.R. 3980.

Under this bill, FEMA is required to work with State, local, tribal, and territorial stakeholders to develop a plan to:

Streamline homeland security grant reporting requirements, rules and regulations to eliminate redundant reporting.

Develop a strategy that includes a set timeline to provide much needed performance metrics for grant programs and ensure that the funds are going to the areas where they will be the most beneficial; and
Require an inventory of each homeland security grant program that incorporates the purpose, objectives and performance goals of each program.

The Redundancy Elimination and Enhanced Performance for Preparedness Grants Act would require FEMA to develop and submit to the Committee on Homeland Security with the plan required by the bill not later than 90 days after enactment of the bill.

This bill would also require biannual updates to maintain a careful and watchful eye on redundancies in the law that might hamper or confuse grant recipients.


The Senate improved upon the House-passed bill by requiring FEMA to task the National Academy of Public Administration, NAPA, to study, develop and recommend performance measures for grants the Department of Homeland Security administers.

As you know, Mr. Speaker, NAPA is a congressionally-chartered nonprofit organization that has extensive experience working on performance measurement and they will provide valuable expertise to FEMA.

Mr. Speaker, this bill will ensure that FEMA takes steps to determine the Nation’s overall preparedness and how homeland security grants have built the necessary capabilities to prepare for, protect against, and respond to an act of terrorism and other threats.

I urge all my colleagues to support the Senate Amendment to H.R. 3980.

Mr. CUÉLLAR. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MORAN of Virginia). The question is on the motion offered by the gentleman from Texas (Mr. CUÉLLAR) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3980.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

REDDUCING OVER-CLASSIFICATION ACT

Ms. HARMAN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 555, to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.
This Act may be cited as the “Reducing Over- Classification Act”.

SEC. 2. FINDINGS.

Consists finds the following:

(1) The National Commission on Terrorist Attacks Upon the United States (commonly known as the “9/11 Commission”) concluded that security requirements nurture over-classification and excessive compartmentation of information among agencies.

(2) The 9/11 Commission and others have observed that the over-classification of information interferes with accurate, actionable, and timely information sharing, increases the cost of information dissemination and limits stakeholder and public access to information.

(3) Over-classification of information causes considerable confusion regarding what information may be shared with whom, and negatively affects the dissemination of information within the Federal Government and with State, local, and tribal entities, and with the private sector.

(4) Over-classification of information is antithetical to the creation and operation of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).

(5) Federal departments or agencies authorized to make original classification decisions or that perform derivative classification of information are responsible for developing, implementing, and administering policies, procedures, and programs that promote compliance with applicable policies and ensure that authorities pertaining to the proper use of classification markings and the policies of the National Archives and Records Administration.

SEC. 3. DEFINITIONS.

In this Act:

(1) DERIVATIVE CLASSIFICATION AND ORIGINAL CLASSIFICATION.—The terms “derivative classification” and “original classification” have the meanings given those terms in Executive Order No. 13526.

(2) EXECUTIVE AGENCY.—The term “Executive agency” has the meaning given that term in section 105 of title 5, United States Code.

(3) EXECUTIVE ORDER NO. 13268.—The term “Executive Order No. 13268” means Executive Order No. 13268 (75 Fed. Reg. 707, relating to classified national security information) or any subsequent corresponding executive order.

SEC. 4. CLASSIFIED INFORMATION ADVISORY OFFICER.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

SEC. 210F. CLASSIFIED INFORMATION ADVISORY OFFICER.

(1) REQUIREMENT TO ESTABLISH.—The Secretary shall designate within the Department a Classified Information Advisory Officer, as described in this section.

(2) RESPONSIBILITIES.—The responsibilities of the Classified Information Advisory Officer shall be as follows:

(A) To develop and disseminate educational materials and to develop and administer training programs to assist State, local, and tribal governments (including State, local, and tribal law enforcement agencies and other agencies of the Federal Government, State, and local government agencies and authorities, the private sector, and other entities; and

(B) In developing plans and policies to respond to requests related to classified information without communicating such information to individuals who lack appropriate security clearances;

(C) In appropriate cases, the formats for classified and unclassified information products that could likely inform or improve the security of a State, local, or tribal government, including a State, local, or tribal law enforcement agency or a private sector entity; and

(2) ITACG DETAIL.—Paragraph 210d of the Homeland Security Act of 2002 (6 U.S.C. 124d(d)) is amended to read as follows:

((A) Identify priorities for protective and support measures regarding terrorist and other threats to homeland security by the Department, other agencies of the Federal Government, State and local government agencies and authorities, the private sector, and other entities; and

(B) Prepare finished intelligence and information products in both classified and unclassified formats, as appropriate, whenever reasonably expected to be of benefit to a State, local, or tribal government (including a State, local, or tribal law enforcement agency) or a private sector entity; and

(2) IN GENERAL.—Title 210c of the Homeland Security Act of 2002 (6 U.S.C. 124c) is amended by adding after the period at the end:

(E) by striking “and” at the end;
(C) in paragraph (7), by striking the period at the end and inserting a semicolon and “and”;
and
(D) by adding at the end the following:
“(6) following an annual assessment of the ITACG Detail’s performance, including summaries of customer feedback, in preparing, disseminating, and making available the dissemination of intelligence products intended for State, local and tribal government (including State, local, and tribal law enforcement agencies) and private sector entities; and
“(9) provide the assessment developed pursuant to paragraph (8) to the program manager for use in the annual reports required by subsection (a).”.

(c) INTERAGENCY THREAT ASSESSMENT AND COORDINATION GROUP ANNUAL REPORT MODIFICATION.—Subsection (c) of section 210D of the Homeland Security Act of 2002 (6 U.S.C. 124k) is amended—

(1) in the matter preceding paragraph (1), by striking “;” in consultation with the Information Sharing Council,”;
(2) in paragraph (1), by striking “and” at the end;
(3) in paragraph (2), by striking the period at the end and inserting a semicolon and “and”;
and
(4) by adding at the end the following:
“(3) in each report required by paragraph (2) submitted after the date of the enactment of the Reducing Over-Classification Act, include an assessment of the threats and threats to the priorities within such department, agency or component.

(b) INSPECTOR GENERAL EVALUATIONS.—

(1) REQUIREMENT FOR EVALUATIONS.—Not later than September 30, 2016, the inspector general of each department or agency of the United States with an office or employee who is authorized to make original classification decisions or derivative classification decisions may conduct an evaluation of such office’s or employee’s consistent and proper classification of information.

(2) DEADLINES FOR EVALUATIONS.—

(A) obtaining original classification authority or derivative classification authority;

(b) maintain such authority;

(b) RELATIONSHIP TO OTHER PROGRAMS.—The head of each Executive agency in accordance with Executive Order 13526, shall require annual training for each employee who has original classification authority. For employees who perform derivative classification functions, or restrictions, dissemination, preparation, production, receipt, publication, or otherwise dissemination of classified information, training shall be provided at least every two years.

(3) REPORTS.—

(A) REQUIREMENT.—Each inspector general who is required to carry out an evaluation under paragraph (1) shall submit to the appropriate entities a report on such evaluation.

(B) CONTENT.—Each report submitted under subparagraph (A) shall include a description of—

(i) the policies, procedures, rules, regulations, or management practices that may be contributing to persistent misclassification of material within such department, agency, or component;
and
(ii) the recommendations, if any, of the inspector general to address any such identified policies, procedures, rules, regulations, or management practices.

(c) COORDINATION.—The inspectors general who are required to carry out evaluations under paragraph (1) shall coordinate with each other and with the Information Security Oversight Office to ensure that such evaluations follow a consistent methodology, as appropriate, that allows for cross-agency comparisons.

(d) APPLICABLE DEFINITIONS.—In this section, the term “appropriate entities” means—

(A) the Committee on Homeland Security and Governmental Affairs, and the Permanent Select Committee on Intelligence of the Senate;

(B) the Committee on Homeland Security, the Committee on Oversight and Government Reform, and the Permanent Select Committee on Intelligence of the House of Representatives;

(C) any other committee of Congress with jurisdiction over a department or agency referred to in paragraph (1);

(D) the head of a department or agency referred to in paragraph (1); and

(E) the Director of the Information Security Oversight Office.

SEC. 7. CLASSIFICATION TRAINING PROGRAM.

(a) IN GENERAL.—The head of each Executive agency, in accordance with Executive Order 13526, shall require annual training for each employee who has original classification authority or derivative classification authority, to assess whether applicable classification regulations, or management practices that may be contributing to persistent misclassification of material within such department, agency, or component—

(A) to assess whether applicable classification policies, procedures, rules, and regulations have been adopted, followed, and effectively administered within such department, agency, or component;

(B) to identify policies, procedures, rules, regulations, or management practices that may be contributing to persistent misclassification of material within such department, agency, or component;

and

(C) to assess whether applicable classification policies, procedures, rules, regulations, or management practices that may be contributing to persistent misclassification of material within such department, agency, or component—

(i) educate the employee, as appropriate, regarding—

(A) the guidance established under subparagraph (G) of section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)), as added by section 5(a)(3), regarding the formatting of finished intelligence products;

(b) the proper use of classification markings, including portion markings that indicate the classification of portions of information; and

(c) any incentives and penalties related to the proper classification of intelligence information; and

and

ensure such training is a prerequisite, once completed successfully, as evidenced by an appropriate certificate or other record, for—

(A) obtaining original classification authority or derivative classification authority; and

(b) maintaining such authority.

(b) RELATIONSHIP TO OTHER PROGRAMS.—The head of each Executive agency shall ensure that the training required by this section is conducted efficiently and in conjunction with any other required security, intelligence, or other training programs to reduce the costs and administrative burdens associated with carrying out the training required by subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. HARMAN) and the gentleman from Georgia (Mr. BROWN) each will control 10 minutes.

The Chair recognizes the gentlewoman from California.

GERALD LEAVE
Ms. HARMAN. Mr. Speaker, I ask unanimous consent that all Members may have 10 legislative days in which to revise and extend their remarks and insert extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. HARMAN. Mr. Speaker, I rise in support of the motion to concur with the Senate amendment to H.R. 553, and I yield myself such time as I may consume.

For those who think nothing can happen in this very polarized year and toxic political environment, listen up. Congress is about to pass an amendment to the President H.R. 553, the Reducing Overclassification Act.

It has taken 3 long years to get to this point. After scores of hearings, the bill passed the House twice. The bill was amended by the Senate and finally passed that body yesterday.

H.R. 553 curbs overclassification, the practice of stamping intelligence “secrecy” on the wrong reason—so that people die and our ability to monitor certain targets can be compromised if sources and methods are revealed.

Third, the bill requires “portion marking” so it is easy to separate classified and nonclassified parts of a document and standardizes procedures so that information can be more easily shared.

Mr. Speaker, it is no joke that people die and our ability to monitor certain targets can be compromised if sources and methods are revealed.

I urge prompt passage of this critical legislation, and hope our President will sign it into law as soon as possible.
I reserve the balance of my time. Mr. BROUN of Georgia. Mr. Speaker, I rise in support of the bill, and I yield myself such time as I may consume. Mr. Speaker, I rise today in strong support of H.R. 553 as amended by the Senate. This bill was agreed to by voice vote in the House on February 3, 2009, and on September 27, 2010, the bill passed the Senate with an amendment by unanimous consent. The 9/11 Commission concluded that security requirements nurtured overclassification and excessive compartmentalization of information among government agencies. This stovepiping, so-to-speak, interferes with accurate, accountable, and timely information sharing, not only among Federal agencies, but also with State and local law enforcement.

H.R. 553 focuses on reducing the overclassification of information at the Department of Homeland Security and enhances understanding of the classification system by State, local, tribal, and private-sector partners. The bill directs the Secretary of Homeland Security, through the Under Secretary for Intelligence and Analysis, to identify and designate a classified information advisory officer. The advisory officer will assist State, local, tribal, and private sector partners who have responsibility for the security of critical infrastructure in matters related to classified materials. Additionally, the office is charged with developing educational materials and training programs to assist agencies in developing policies to respond to requests related to classified information.

The bill also requires the head of each Federal department or agency with classification authority to share intelligence and threat assessment and coordination groups and allows them in turn to recommend to the DHS Under Secretary for Intelligence and Analysis to disseminate that product to the private sector, State, local, or tribal entities. This will be critical in directing actionable intelligence into the hands of those who need it the most.

H.R. 553 also aims at strengthening the responsibilities of the Director of National Intelligence with respect to information sharing government-wide and reinforces the authority of DNI to have maximum access to all information within the intelligence community. I urge my colleagues to support the bill. I congratulate Ms. HARMAN on this great bill that I wholeheartedly support, and I look forward to seeing it signed into law by the President. I hope very soon, just like Ms. HARMAN does, I reserve the balance of my time. Ms. HARMAN. I thank the gentleman for his remarks and am pleased that we have had this very polite and informative and bipartisan debate on the House floor.

Mr. Speaker, we have no more speakers. If the gentleman from Georgia has no more speakers, then I am prepared to close after he closes. Mr. BROUN of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to congratulate my good friend, Ms. HARMAN, and thank her for her remarks and the leadership she has provided in this matter that is so important. We both have a strong interest in having a strong intelligence community, and I think both of us will agree that our intelligence community needs some help. But we have seen this overclassification of information that has gotten to be a tremendous problem.

Ms. HARMAN has brought forth this piece of legislation that is going to help simplify the process and help our Federal Government to share information with the State, local, and tribal entities, as well as the private sector, so that they can have this information that they desperately need to be able to ensure security.

As an original-intent Constitutionalist, I believe that the major function of the Government should be national security, national defense. We in Congress I think have overlooked that duty in many regards. I applaud Ms. HARMAN. Mr. Speaker, for her diligence in the area of intelligence and national security, and I greatly applaud her for this much-needed bill.

Mr. Speaker, I have no further speakers, so I yield back the balance of my time. Ms. HARMAN. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, in closing, police, firefighters and other first responders bravely put their lives on the line to protect us. They have proven their ability to unravel plots inside the U.S., like the Torrance, California, police department, which discovered a plot to attack military installations and religious sites in my district.

It is imperative that we give first responders and the public access to the threat information they need to find those among us who would seek to harm us. H.R. 553 ensures that. I urge its prompt passage, and I do hope that the President will sign it into law.

Mr. THOMPSON of Mississippi. Mr. Speaker, over-classification of homeland security information is a major barrier to Federal efforts at fostering greater information sharing within the Federal Government as well as with State, local, and tribal entities, and the private sector.

H.R. 553, the Reducing Over-Classification Act, introduced by Congresswoman JANE HARMAN, tackles this practice in a comprehensive fashion. To that end, H.R. 553 establishes a Classified Information Advisory Officer within DHS’s Office of Intelligence and Analysis to develop and disseminate educational materials for government, State, local, or tribal authorities and the private sector on how to challenge classification designations and, at the same time, assist with the security clearance process.

This bill also tackles the practice of overclassification within the larger intelligence Community (IC) by directing the Director of National Intelligence to take new, proactive, steps to promote appropriate access of information by Federal, State, local, and tribal governments with a need to know; issue guidance to standardize, in appropriate cases, the formats for classified and unclassified products; establish policies and procedures requiring the increased use of so-called “tear lines” portion markings in intelligence products to foster broader distribution to State, local, and tribal law enforcement and others who need access to this information; and require annual training for each IC employee with the authority to classify material.

I am pleased that H.R. 553 also directs originators of intelligence products to share information that could likely benefit first responders, like the gentleman’s in-house team of first responder analysts—the “ITACG” or “Interagency Threat Assessment Coordination Group.”

The ITACG analysts have the boots-on-the-ground perspective on what information lends itself to cops on the beat. Through this new process, we will have a new mechanism to tackle the stovepiping of information within the IC that we know cops need to keep their communities secure.

Reducing the amount of unnecessary classification and increasing the amount of information shared throughout the public and private sectors will contribute to improving or ability to detect, deter, and prevent terrorist plots.

Nine years after the attacks of September 11th, we must stand together and reject—once and for all—the practice of over-classification, an outgrowth of the outdated “need to know” paradigm.

Finally, I would like to applaud the Chairwoman of my Committee’s Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment Subcommittee—Representative HARMAN. She has worked on this problem for many years and is a true champion for all the “first preventers” out there that have been kept from accessing intelligence information that they need to protect the public and should be commended for her steadfast efforts on this government-wide challenge.

I urge my colleagues to support this important homeland security bill so that we get it to the President’s desk for his signature. Ms. HARMAN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. HARMAN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 553.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in. A motion to reconsider was laid on the table.

CHRISTOPHER BRYSKI STUDENT LOAN PROTECTION ACT

Mr. ADLER of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5498) to amend the Truth in Lending Act and the Higher Education Act of 1965 to require additional disclosures and protections for students and cosigners with respect to student loans, and for other purposes, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress as-
sembled,

SEC. 1. SHORT TITLE:—This Act may be cited as the “Christopher Bryski Student Loan Protec-
tion Act” and “Christopher’s Law”.

(b) FINDINGS.—The Congress finds the follow-
ing:

(1) There is no requirement for Federal or private educational lenders to provide informa-
tion with respect to creating a durable power of attorney for financial decisionmaking in accordance with State law to be used in the event of the death, incapacita-
tion, or disability of the borrower or cosig-
iner (if any).

(2) No requirement exists for private edu-
cational lenders’ master promissory notes to include a clear and conspicuous description of the responsibilities of a borrower and cosig-
iner in the event the borrower or cosigner becomes disabled, incapacitated, or dies.

(3) Of the 1,400,000 people who sustain a traumatic brain injury each year in the United States, 50,000 die; 235,000 are hospital-
ized; and 1,100,000 are treated and released from an emergency department.

(4) That the annual inci-
dence of spinal cord injury, not including those who die at the scene of an accident, is approximately 49 per 1,000,000 people in the United States or approximately 12,000 new cases each year. Since there have not been any overall incidence studies of spinal cord injuries in the United States since the 1970s, it is not known if incidence has changed in recent years.

(5) In the 2007–2008 academic year, 13 per-
cent of students attending a 4-year public school, and 26.2 percent of students attend-
ing a 4-year private school, borrowed monies from private educational lenders.

(6) According to Sallie Mae, in 2009, the number of cosigned private education loans increased from 66 percent to 84 percent of all private education loans.

SEC. 2. ADDITIONAL STUDENT LOAN PROTEC-
tIONS.

(a) In General.—Section 140 of the Truth in Lending Act (15 U.S.C. 166d) is amended by adding at the end the following new sub-
section:

“(f) ADDITIONAL PROTECTIONS RELATING TO DEATH OR DISABILITY OF BORROWER OR CO-
signer of a Private Education Loan.—

“(1) OBIGATION TO DISCUSS DURABLE POWER OF ATTORNEY.—In conjunction with—

“(A) any student loan counseling, if any, provided by a covered educational institu-
tion to any new borrower and cosigner (if any) at the time of any loan application, loan origination, or loan consolidation, or at the time the cosigner assumes responsibility for repayment, the institution shall provide information with respect to creating a dur-
able power of attorney for financial decision-
Making in accordance with State law to be used in the event of the death, incapacita-
tion, or disability of the borrower or cosig-
iner (if any).

“(B) any application for a private edu-
cational loan, the private educational lender involved in such loan shall provide informa-
tion to the borrower and cosigner (if any) concerning the creation of a durable power of attorney for financial decisionmaking, in accor-
dance with State law, with respect to such loan.

“(2) CLEAR AND CONSPICUOUS DESCRIPTION OF COSIGNER’S OBLIGATION.—In the case of any private educational lender who extends a private education loan, the private educational lender involved in such loan shall provide a clear and conspicuous description of the responsibilities of the borrower and cosig-
iner (if any) who have loan (as described in section 1650(a)) is amended by adding at the end the following new sections:

“(g) DURABLE POWER OF ATTORNEY.—

“The term ‘durable power of attorney’—

“(A) means a written instruction recog-
nized under State law by a durable power of attorney statute or as recognized by the courts of the State),

“(B) includes any person whose signature is needed to perfect the security interest in the loan.''

SEC. 3. FEDERAL STUDENT LOANS.

Section 485(i)(2) of the Higher Education Act of 1965 (20 U.S.C. 1092(1)(g)) is amended by adding at the end the following:

“(L) Information on the conditions re-
quired to discharge the loan due to the death or disability of the borrower or any substantial gainful activity of the bor-
rower in accordance with section 437(a), and an explanation that, in the case of a private education loan made through a private edu-
cational lender, the borrower, the borrower’s estate, and any cosigner of such a private education loan may be obligated to repay the full amount of the loan, regardless of the death or disability of the borrower or any other condition described in section 437(a).

“(M) The model form for the State in which the lender’s branch office is located with respect to durable power of attorneys published by the Board of Governors of the Federal Re-
serve System in accordance with subsection (b)(4).

“(3) SEC. 108(a)(2) of the Truth in Lend-
ing Act (15 U.S.C. 1607(a)) (as added by the Conven-
tion and the Uniform Probate Code, as in effect in any State),

“(N) The Board shall include model forms and procedures for creating a durable power of attorney in accordance with subsection (b)(4).

“(O) Information on the conditions re-
quired to discharge the loan due to the death or disability of the borrower or any other condition described in section 437(a).
They were not only responsible parents, but responsible Americans.

The Bryskis also endured a personal interview of Christopher so that the court could be sure Christopher was unable to make decisions on his behalf. Literally, someone from the court came to Christopher’s hospital room and yelled in his face to ensure that he would not respond and that he was indeed in a vegetative state.

As a father of four boys, two of whom are in college, I cannot imagine going through what the Bryskis went through. This is why I introduced H.R. 5458, the Christopher Bryski Student Loan Protection Act, or Christopher’s Law. This bill would help prevent other families from going through what the Bryskis did by ensuring that private educational lenders clearly describe the obligations of borrowers and co-signers, and what the bank calls “an inability to pay.” The rest of us would call it a family tragedy.

Christopher’s Law will also urge the Federal Reserve Board to adopt and interpret definitions of death and disability as the Department of Education, which has used these definitions for many, many years. This bill does not require that private loans be discharged in case of death or disability. It simply requires private educational lenders to define death and disability so borrowers and their co-signers can refer to these definitions should a catastrophe happen to their family. It also states that private educational lenders as well as the Federal Government should provide information on creating a durable power of attorney to handle the borrower’s financial affairs should the borrower be unable to make those decisions on their own. In other words, the borrower and the lender must be on the same page.

Since I introduced this legislation, I have been approached by many other families in my district with similar problems as the Bryskis encountered. I believe this is common sense, bipartisan legislation that deserves the support of the entire body.

I would like to thank Chairman BACHUS and Ranking Member KLINE, Chairman FRANK and Ranking Member BACHUS, for bringing this important legislation to the floor, and, frankly, minority staff, for improving this legislation with amendments just in the last few days. It is the way we’re supposed to be doing business for the people of our great country. I urge its passage.

I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I rise to address this legislation, and I yield myself such time as I may consume.

H.R. 5458 requires private education loan lenders to provide disclosures to students about the benefits of creating a durable power of attorney. For most traditional students, a student loan is the first large financial decision he or she will be making. As such, a student and the cosigner of the loan—often a parent, as with the Bryskis—should be aware of their repayment responsibilities, including those responsibilities if the student should become unable to make payments. And so disclosures, I think, are all that Mr. ADLER of New Jersey, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MEDICAL DEBT RELIEF ACT OF 2010

Ms. KILROY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3421) to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3421

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 ‘Medical Debt Relief Act of 2010.’

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) Medical debt is unique, and Americans do not choose when accidents happen or when illness strikes.

(2) Medical debt collection issues affect both insured and uninsured consumers.

(3) According to credit evaluators, medical debt collections are more likely to be in dispute, inconsistently reported, and of questionable value in predicting future payment performance because it is atypical and non-predictive.

(4) Nevertheless, medical debt that has been fully paid or settled can significantly damage a consumer’s credit score for years.

(5) As a result, consumers can be denied credit or pay higher interest rates when buying a home or obtaining a credit card.

(6) Healthcare providers are increasingly turning to outside collection agencies to help secure payment from patients and this comes at the expense of the consumer because medical debts are not typically reported unless they become assigned to collection agencies.

(7) In fact, medical bills account for more than half of all non-credit related collection actions reported to consumer credit reporting agencies.

(8) The issue of medical debt affects millions.
(9) According to the Commonwealth Fund, medical bill problems or accrued medical debt affects roughly 72,000,000 working-age adults in America.

(10) For 28,000,000 working-age American adults were contacted by a collection agency for unpaid medical bills.

(b) Purpose.—It is the purpose of this Act to exclude from consumer credit reports medical debt that had been characterized as delinquent, charged off, or debt in collection for credit reporting purposes and has been fully paid or settled.

SEC. 3. AMENDMENTS TO FAIR CREDIT REPORTING ACT.

(a) Medical Debt Defined.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a(a)) is amended by adding at the end the following new paragraph:

"(z) Medical Debt.—The term 'medical debt' means a debt described in section 604(g)(1)(C)."

(b) Exclusion for Paid or Settled Medical Debt.—Section 606(a) of the Fair Credit Reporting Act (15 U.S.C. 1681a(c)) is amended by adding at the end the following new paragraph:

"(7) Any information related to a fully paid or settled medical debt that has been characterized as delinquent, charged off, or in collection which, from the date of payment or settlement, antedates the report by more than 45 days."

SEC. 4. PAYGO BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Rule of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairmen of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Ohio (Ms. KILROY) and the gentleman from Alabama (Mr. BACHUS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. KILROY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. KILROY. Mr. Speaker, I yield myself such time as I may consume.

I thank the chair of the Financial Services Committee, Chairman BARNEY FRANK, and the subcommittee chair, LUIS GUTIERREZ; as well as my cosponsors, including my Republican cosponsors, Mr. MANZULLO, Mr. BURGESS and Mr. BILIRAY, for their support of H.R. 3421, the Medical Debt Relief Act of 2010.

This bill would protect hardworking Americans who play by the rules, pay or settle their medical debts, and yet find their economic well-being and credit scores adversely affected for years to come due to medical debts, large or small, that have gone to collection. Specifically, this legislation would prohibit credit reporting agencies from including in an individual's credit report fully paid off or settled medical debt collection.

So many of us have had issues with trying to figure out what insurance companies are paying and what they were responsible for or maybe had to fight with a health insurance company to get payment. Then there is the obligation to pay a health care bill or maybe they had a high deductible policy to save money and took a little bit extra time to pay off their bill. But pay they did. And yet they find that their credit is adversely affected for many, many years to come due to medical debt, which is not an accurate depiction of a person's ability to pay. And medical debt is not an accurate depiction of a person's ability to pay. And medical debt is not an accurate depiction of a person's ability to pay. And medical debt is not an accurate depiction of a person's ability to pay. And medical debt is not an accurate depiction of a person's ability to pay. And medical debt is not an accurate depiction of a person's ability to pay.

Finally, the enactment of H.R. 3421 would result in more accurate credit scores, allowing businesses to better price risk.

This legislation has broad-based support, including from the National Association of Consumer Advocates, Consumer Action, Families USA, UNITE HERE, the National MS Society, the Corporation of Enterprise Development, the NAACP, the National Council of La Raza, the Consumer Federation of America, U.S. Conference of Mayors, PIRG, and Community Catalyst.

Mr. Speaker, I reserve the balance of my time.

Ms. KILROY. I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Alabama talks about robust reporting and about making sure that credit is more accurately reported. This is what this bill would do.

There is so much confusion and error surrounding the issue of medical debt, and medical debt is not an accurate predictor of someone's creditworthiness. Somebody might get a sudden illness or might get hit by a car. It's not like a person is going out and buying a huge amount of television sets or planning a lot of vacations or out to dinner every night. They are people who are playing by the rules and are paying off that debt.

To the contrary, I think that this bill, rather than undermining the availability of credit, would actually encourage the availability of credit by having more accurate credit scores and by allowing people to obtain more reasonable rates on credit because of having more accurate credit scores. Pursuing the credit reporting system also using credit reporting with regard to employment decisions, it is all the more important. I think it is fairer to...
hardworking Americans. It will help the economy. It will help make a more accurate credit reporting score.

I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, the gentleman from North Carolina (Mr. MILLER) and the gentleman from Minnesota (Mr. PAULSEN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MILLER of North Carolina. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. MILLER of North Carolina. I yield myself such time as I may consume.

Mr. Speaker, this bill amends the Small Business Lending Fund legislation that the President signed just yesterday. The bill is identical to a House amendment that passed 418-3 but was left out of the other body's version of the legislation for reasons that surpass understanding.

This bill, like the amendment, adds land acquisition and construction loans to the loans that qualify for the Small Business Lending Fund. The sad truth is that in many—really, most—parts of the country this bill will not have a lot of effect right away. Under the SBLF, community banks are on the hook if they make loans that don't get paid back, and they're going to steer clear of acquisition, development, and construction loans for home building until they demand for new housing improves.

Around the country, there is an enormous inventory of existing homes, on or off the market. Because so much of the foolishness that led to the financial crisis was connected to housing, the housing sector of our economy remains very sick and won't get well right away. There are millions of foreclosed homes and homes destined for foreclosure. Mr. Speaker, I wish everyone in Washington felt the urgency that I feel about fixing that problem.

But there are markets now that have a demand for new homes and home builders cannot get credit, ordinary loans, because of pressure from regulators on the smaller banks not to make real estate loans, not to make dirt loans.

That indiscriminate refusal to lend for residential construction is killing jobs. We've lost 3 million jobs in the last 5 years in home construction and related industries. The jobs we've lost
are jobs for the working man and woman: carpenters, plumbers, electricians, masons, painters, roofers, landscapers, and on and on. We’ve got to get as many of those working men and women back to work as soon as we can.

And as the economy recovers, there will be an enormous pent-up demand for new housing. Catching up with that demand can be part of the virtuous cycle of recovery coming out of a recession as it has been in the past. Home construction now is probably about a third of the natural demand for new housing that’s created by new household formation, replacement of obsolete housing, and second home purchases.

As the economy recovers, young adults are going to move out of their parents’ home or out of the apartment they’re sharing with three or four roommates, and dilapidated housing will be brought down and replaced by new construction. We need to make sure that home builders can get credit to meet that pent-up demand and put more men and women back to work, and that’s what this bill does. I reserve the balance of my time.

Mr. PAULSEN. I yield myself such time as I may consume.

Mr. Speaker, I also want to rise in support of my colleague Mr. MILLER’s bill to amend the Small Business Jobs Act of 2010, but I’d also like to point out the irony that is we are here on the floor the day after, of course, the President signed the bill just 1 day ago.

You will recall that this bill would allow construction, land development, and other land loans to be included in the program, which is important, and I commend Mr. MILLER’s efforts to make sure that all small businesses will be eligible under this program.

I appreciate also what my colleagues are also trying to do, but I do believe that if we’re really going to be focused on helping the small business community, we need to bring some certainty to the market and to the economy for them. Right now many small businesses are struggling with the uncertainty, not knowing what regulations this Congress is going to come up with next on health care or on cap-and-trade legislation; and most importantly now, rather than additional bailout programs, I do think we need to be talking more down the road, hopefully tomorrow, about extending the tax cuts rather than having tax increases that will take place on January 1.

So that hostile business environment also is going to hurt the small business community, but I commend the gentleman for his work on this legislation. I yield the balance of my time.

Mr. MILLER of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 6191.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed. A motion to reconsider was laid on the table.

Mr. Speaker, I reserve the balance of my time.

Mr. PAULSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also rise today in strong support of H.R. 6058, the Wounded Warrior and Military Survivor Housing Assistance Act, and I also want to thank my freshman colleague for offering his support of this measure and cosponsorship as well.

A few weeks ago, I had the unfortunate honor of meeting the widow of a serviceman who had graduated from high school in my hometown of Eden Prairie and someone who had served in Afghanistan. And since she was in Washington, D.C. for her husband’s burial at Arlington National Cemetery, she’d asked to come and meet with me so she could share some of the challenges that she was facing in the midst of her crisis. She had an exhaustive list of concerns, actually, that she was trying to juggle through in the midst of the ceremony taking place for her husband.

At the top of her list, the top priority was essentially wondering how she was going to be able to pay her mortgage now that the family was no longer receiving any income, and while the monthly burden of her mortgage was something she had never really had to think about during her husband’s entire military career, which had gone on for a long time.

While there are certainly many current provisions in law that try to help people remain in their homes when they come upon some difficult financial problems, I believe that these programs should take into account the special needs of survivors, of dependents, and those with service-connected injuries. That is why I introduced the legislation, the Wounded Warrior and Military Survivor Housing Act with Mr. MILLINCK. This legislation directs the HUD, the VA, and the VA to make sure that their housing programs do indeed address the needs of survivors and dependents as well as those who have those service-related injuries.

Mr. Speaker, these are families that have made great sacrifices. These are families that have basically allowed the rest of us to enjoy, and all Americans to enjoy, the freedoms that we have, more freedoms that are unprecedented ever in human history. The least we can do, I believe, is recognize those special needs and make sure that we are giving them tools to help them adjust to the changes now that have taken place in their lives.

Mr. Speaker, I would appreciate support for the legislation.

Mr. Speaker, I yield such time as he may consume to the ranking member of the committee, the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. I yield this to both gentlemen offering this legislation: As the father of a marine, I want to commend you for doing this. These young men and women are our true heroes of
today, and their families face many hardships, many challenges, and this ought to be a priority. It’s something that everyone in this body should embrace, and I’d like to commend you for standing up for our men and women in uniform and their families. Thank you very much.

Mr. PAULSEN. Mr. Speaker, in closing, I just simply want to thank both the staff of the Financial Services Committee as well as the House Veterans Affairs Committee for all their work in this legislation and putting this together. I hope we can pass this bill to help all the families of our service men and women.

I yield back the balance of my time.

Mr. MINNICK. I would like to thank the gentleman from Alabama for his remarks and the gentleman from Minnesota for his leadership.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho (Mr. MINNICK) that the House suspend the rules and pass the bill. H.R. 6658.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING SICKLE CELL DISEASE AWARENESS MONTH

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1663) supporting the goals and ideals of Sickle Cell Disease Awareness Month.

The Clerk reads the title of the resolution.

The text of the resolution is as follows:

H. Res. 1663

Whereas Sickle Cell Disease is an inherited blood disorder that is a major heath problem in the United States and worldwide;

Whereas Sickle Cell Disease causes the rapid destruction of sickle cells, which results in multiple medical complications, including anemia, jaundice, gallstones, strokes, and restricted blood flow, damaging tissue in the liver, spleen, and kidneys, and death;

Whereas Sickle Cell Disease causes episodes of considerable pain in one’s arms, legs, chest, and abdomen;

Whereas Sickle Cell Disease afflicts an estimated 70,000 to 100,000 Americans;

Whereas approximately 1,000 babies are born with Sickle Cell Disease each year in the United States, with the disease occurring in approximately 1 in 500 newborn African American infants, 1 in 1,000 newborn Hispanic Americans, and is found in persons of Greek, Italian, East Indian, Saudi Arabian, Asian, Syrian, Turkish, Cypriot, Sicilian, and Caucasian origin;

Whereas more than 2,000,000 Americans have the sickle cell trait, and 1 in 12 African Americans carry the trait;

Whereas there is a 1 in 4 chance that a child born to parents who both have the sickle cell trait will have the disease;

Whereas the life expectancy of a person with Sickle Cell Disease is severely limited, with an average life span for an adult being 45 years;

Whereas, though researchers have yet to identify a cure for this painful disease, advances in treating the associated complications have occurred;

Whereas researchers are hopeful that in less than two decades, Sickle Cell Disease may join the list of other diseases that, when properly treated, do not interfere with the activity, growth, or mental development of affected children;

Whereas Congress recognizes the importance of researching, preventing, and treating Sickle Cell Disease by authorizing treatment centers to provide medical intervention, educational services, and by permitting the Medicaid program to cover some primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease;

Whereas the Sickle Cell Disease Association of America, Inc., remains the preeminent advocacy organization that serves the sickle cell community by focusing its efforts on public policy, research funding, patient services, public awareness, and education related to developing effective treatments and a cure for Sickle Cell Disease;

Whereas the Sickle Cell Disease Association of America, Inc. has requested that the Congress designate September as Sickle Cell Disease Awareness Month in order to educate communities across the Nation about sickle cell and the need for research funding, early detection methods, effective treatments, and prevention programs: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Sickle Cell Disease Awareness Month; and

(2) promotes education of teachers, school nurses, and school personnel in educational institutions such as balance learning and tutoring that will ensure children with Sickle Cell Disease can continue to access and pursue their education.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

General Leave

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend insert extraneous material on House Resolution 1663 into the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1663, which supports the goals and ideals of Sickle Cell Disease Awareness Month.

Sickle cell anemia is a serious disease in which the body makes sickle-shaped red blood cells. Sickle shaped means that the red blood cells are shaped like the letter “C.” Normal red blood cells are disc shaped and look like doughnuts without holes in the center. They move easily through your blood vessels. Red blood cells contain the protein hemoglobin. This iron-rich protein gives blood its red color and carries oxygen from the lungs to the rest of the body. Sickle cells contain abnormal hemoglobin that causes the cells to have a sickle shape. Sickle-shaped cells do not move easily through your blood vessels. They are stiff and sticky and tend to form clumps and get stuck in the blood vessels. The clumps of sickle cells block blood flow in the blood vessels that lead to the limbs and the organs. Blocked blood vessels can cause pain, serious infections, and organ damage.

This disease affects an estimated 70,000 to 100,000 people in this country. Approximately 1,000 babies are born with sickle cell disease each year in the United States. More than 2 million Americans have the sickle cell trait, and 1 in 12 African Americans carry the trait. There is a 1 in 4 chance that a child born to parents who have the trait will have the disease. The life expectancy of a person with sickle cell disease is about 45 years of age. Researchers have yet to find a cure for this disease. However, I hope that sickle cell disease, when properly treated like other chronic diseases, will not interfere with activity,
growth, and development of affected children.

Today we recognize the importance of prevention, treatment, research, and education on sickle cell disease and support the designation of September as Sickle Cell Disease Awareness Month. I urge my colleagues to support this resolution, and I simply want to close by saying that this is primarily a disease of African Americans. For years it has been known that they tend to have, by far, the largest number of sickle cells in their bodies; and, therefore, there is a real demand, a great need to find out what the source of this disease is and what can be done to prevent it because it has a dramatic affect on the African Americans in our Nation. I urge my colleagues to support this resolution.

I have no further requests for time, and I yield back the balance of my time.

Ms. HIRONO. In closing, I too want to ask my colleagues to support this important resolution, as it affects so many thousands and thousands of people, particularly the African American community.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO). The House suspend the rules and agree to the resolution, H. Res. 1663.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution agreed to.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH 2010

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1637) supporting the goals and ideals of National Domestic Violence Awareness Month 2010 and expressing the sense of the House of Representatives that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs and practices designed to prevent and end domestic violence, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1637

Whereas domestic violence affects people of all ages as well as racial, ethnic, gender, economic, and religious backgrounds;

Whereas females are disproportionately victims of domestic violence;

Whereas 6 in 10 Native American women will be physically assaulted in their lifetime;

Whereas approximately 15,500,000 children are exposed to domestic violence every year;

Whereas, children exposed to domestic violence are more likely to attempt suicide, abuse drugs and alcohol, run away from home, and engage in teenage prostitution;

Whereas a large study found that men exposed to physical abuse, sexual abuse, and adult domestic violence were almost 4 times more likely than other men to have perpetrated domestic violence as adults;

Whereas women ages 16 to 24 experience the highest rates, per capita, of intimate partner violence;

Whereas approximately 1 in 3 adolescent girls in the United States experience physical, emotional, or verbal abuse from a dating partner, a figure that far exceeds victimization rates for other types of violence affecting youth;

Whereas young girls who are physically and sexually abused are up to 6 times more likely to become pregnant, and more than 2 times as likely to report a sexually transmitted disease, than teen girls who are not abused;

Whereas 15,100,000 high school students nationwide experienced physical abuse from a dating partner in a single year;

Whereas young people who are physically abused perform worse in school;

Whereas adolescent girls who reported dating violence were 60 percent more likely to report one or more suicide attempts in the past year;

Whereas primary prevention programs are a key part of addressing teen dating violence, and many successful community examples include education, community outreach, and social marketing campaigns that account for the cultural appropriateness of programs;

Whereas one-quarter to one-half of domestic violence victims report that they have lost a job due, at least in part, to domestic violence;

Whereas the annual cost of lost productivity due to domestic violence is estimated at $727,800,000 with over 7,900,000 paid workdays lost per year;

Whereas according to the Centers for Disease Control and Prevention, in 2003, the costs of intimate partner violence exceeded $8,300,000,000 and $1,200,000,000 in the value of lost lives;

Whereas even 5 years after the abuse has ended, health problems persistent with a history of intimate partner violence remain 20 percent higher than those for women with no history of violence;

Whereas in addition to the immediate trauma caused by abuse, domestic violence contributes to a number of chronic health problems, including depression, alcohol, substance abuse, and sexually transmitted diseases such as HIV/AIDS, and often limits the ability of women to manage other chronic illnesses such as diabetes and hypertension;

Whereas perpetrators lose at least 85 percent of domestic violence cases and prevention programs should address their needs;

Whereas research demonstrates that men are willing to help prevent violence against women, particularly through shaping the attitudes of younger men and boys;

Whereas research also shows that domestic violence shelters are addressing victims' urgent and long-term needs and are helping victims protect themselves and their children;

Whereas there is a need to increase funding for programs aimed at intervening and preventing domestic violence in the United States; and

Whereas individuals and organizations that are dedicated to preventing and ending domestic violence should be recognized: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) supports the goals and ideals of National Domestic Violence Awareness Month; and

(B) recognizes the National Safe Child Initiative, an awareness-raising campaign to educate the public about the prevalence and problem of child abuse, and commends the National Safe Child Coalition for bringing awareness to and working to protect children from batterers; and

(2) it is the sense of the House of Representatives that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs designed to end domestic violence.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1637 into the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1637, which supports the goals and ideals of National Domestic Violence Awareness Month. It is to be recognized this October. National Domestic Violence Awareness Month is an important time to raise awareness of domestic violence and its devastating effects on our families and communities. In addition, this month offers organizations, social service providers, and public officials a chance to spread the word about the resources which help victims seek the help they desperately need.

I would like to thank Representatives POE and GREEN for introducing this important measure. And once again, I express my support for House Resolution 1637.

Domestic violence is defined as the willful intimidation, assault, battery, sexual assault or other abusive behavior perpetrated by an intimate partner against another. It is an epidemic that affects women, men, and children in every community regardless of age, sex, economic status, nationality, or educational background.

One in four women and one in six men will be victims of domestic violence in their lifetime, and 15½ million children are abused every year. Children exposed to domestic violence are more likely themselves to commit acts of domestic violence when they are adults, and to commit suicide, abuse drugs, and engage in teenage prostitution. It is critical that our communities have the resources they need both to help prevent domestic violence from occurring and to support victims when abuse has occurred.

During this month, communities and groups nationwide hold events to increase awareness

September 28, 2010
Women disproportionately experience domestic violence in their lives. Boys who are exposed to domestic violence are four times as likely to perpetrate domestic violence of adults. The cost of intimate partner violence exceeds $8.33 billion each year. As evident by these staggering statistics, domestic violence has far-reaching effects in our country and outside of the United States and its devastating effects on families and communities, and support families and practices designed to prevent and end domestic violence.

Domestic violence is the willful intimidation, assault, battery, sexual assault and/or other abusive behavior perpetrated by an intimate partner against another. It is an epidemic that affects individuals in every community, regardless of age, economic status, religion, nationality, educational background or gender.

Domestic violence is far-reaching and affects men and women of all ages and backgrounds. Victims are less likely than women to report violence and seek services, but are often victims of domestic violence. Both men and women experience the same dynamics of interpersonal violence and face many of the same hurdles thereafter, including job loss, increased rates of drug and alcohol abuse, and increased rates of suicides.

Unfortunately, children are often victimized as the witnesses of domestic abuse. They are shown that violence may happen to anyone, regardless of age, race, ethnicity, education, economic status, religion, nationality, or gender. It transcends the lines of business, party lines, and religious affiliation. It affects individuals in every community, regardless of age, economic status, religion, nationality, educational background or gender.

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Domestic violence affects the victim, children, the abuser and entire families and communities. It is important that we support the victims of this issue and those individuals and organizations that work to prevent and end domestic abuse.

I urge my colleagues to support House Resolution 1637. Mr. Speaker, I yield the balance of my time. Mr. Ehlers. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1637, supporting the goals and ideals of the National Domestic Violence Awareness Month 2010 and expressing the sense of the House of Representatives that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support families and practices designed to prevent and end domestic violence.

Ms. Hirono. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Texas (Mr. Poe).

Mr. Poe. A former State district court judge in the State of Texas, former prosecutor in Harris County, and someone that I have known for more than 20 years, he and I have worked on this effort. It is a collaborative effort and this is his year to sponsor and I cosponsor with him. And I will be honored to sponsor next year and he will, of course, work with me as a cosponsor of this resolution.

So I urge my colleagues to support House Resolution 1637. Mr. Speaker, I yield the balance of my time.

Mr. Poe. Mr. Speaker, I yield.

Mr. Poe. Judge Green.

Mr. Poe. Mr. Speaker, I yield.

Mr. Poe. Mr. Speaker, I yield.

Mr. Poe. Mr. Speaker, I yield.

Mr. Poe. Mr. Speaker, I yield.
were young buck lawyers in the courthouse doing battle in Houston, Texas. So it has been a long time.

But he is correct, this is an issue that must continue to come to the awareness of the American people, that domestic violence is something that is, unfortunately, continuing in this country.

Thirty-five percent of the murder victims that were killed in 2008 were killed by someone who knew intimate partners, 35 percent of them, murdered by people that were close to them.

In 2007, crimes by intimate partners accounted for 23 percent of all crimes against women.

In a single day in 2009, 65,000 victims were treated by domestic violence programs; but, due to lack of resources and funding, almost 10,000 were turned away because there were no resources to take care of them.

We have a growing need and presence of domestic violence shelters throughout the country, and they have fewer and fewer resources to take care of these cases. These shelters seek refuge from someone that they knew who has been trying to assault them or has succeeded in assaulting them.

Congress must, of course, pass the re-authorization of the Family Violence Prevention and Services Act. Victim service providers are on the front lines of defense against domestic violence, and this funding is vital to the treatment and reduction of domestic violence.

I spent all of my legal career before coming here as a prosecutor and a criminal court judge, so I was always in the courthouse doing criminal cases, and I saw the result of what happens when people in family situations commit crimes against other family members. It is something that has to cease in this country, and it is also something that we, as a community, need to be aware of. Unfortunately, many times courts don't take these cases seriously.

One of my favorite people is Yvette Cade from Baltimore, Maryland. Yvette Cade was a real person, still is a real person. And all these cases are about real people, Mr. Speaker.

On October 10, 2005, Yvette Cade's estranged husband—Roger Hargrave—is his name. He and his wife were not getting along, so he sought her out. He went to a place where she worked, a video store, walked inside with a bottle full of gasoline, came up to her, and he poured that gasoline over her head and he set her on fire. Yvette Cade, a victim of domestic violence.

She survived that brutal assault, and, thanks to a passerby that saw this happen, the fire was put out in the parking lot. The judge involved in this case, Prince George's County Judge Richard Palumbo, had already lifted that protective order against Hargrave. If he had not lifted that protective order to keep him away from his estranged wife, she may not have had this brutal assault committed against her.

Now, Hargrave is serving life in prison for the assault, setting his wife on fire, but Mrs. Yvette Cade has third-degree burns over 60 percent of her body. She has had 19 surgeries. She survived this brutal attack. She is a remarkable woman. She has a spirit that it surprises me she has the spirit that she does.

But she is just one of thousands of people, Mr. Speaker, that are assaulted in the family, and it continues. We, in this country, need to make sure that it is socially unacceptable to hurt somebody in the family.

My grandmother, who was the most influential person in my life, lived to be the age of 90. Judge Green would like this. She never forgave me for being a Republican. That is a different issue. But she always said, You never hurt somebody you claim you love. And that is a true statement, and it always has been. You never hurt somebody you claim you love. We need to send that message out throughout the Nation, especially in these family situations. And young males need to understand that if they get in a relationship with a young woman that they never hurt them if they claim they love them.

So it is an honor for me to support this. I honor also and recognize the National Coalition Against Domestic Violence, all those wonderful organizations that are out there taking care mainly of women who find themselves in desperate situations because someone that supposedly loved them treated them so badly.

Mr. CASSIDY. I yield back the balance of my time.

Ms. HIRONO. In closing, Mr. Speaker, it is very clear, and I thank my colleagues for their very strong remarks in support of this resolution because domestic violence truly knows no bounds; and the women, children, and seniors who are the most vulnerable in our communities, who are generally the victims of domestic violence, need our support and our help. So I again urge my colleagues to support House Resolution 1637.

Mr. BURTON of Indiana. Mr. Speaker, I rise in strong support of House Resolution 1637, expressing the support of the House of Representatives of the goals and ideals of National Domestic Violence Awareness month. I would like to thank the Chairman and Ranking Member of the Education and Labor Committee for bringing this resolution to the Floor; and to thank Representative Linda Tussing Poe—author of the resolution—for his tireless efforts to raise awareness of the scourge of domestic violence.

I am proud to be a cosponsor of this resolution because domestic violence for me is not just an abstraction but something that I lived through domestic violence and I think it is important for people to hear my story and understand the human side of this problem. My colleagues who spoke before me did an excellent job laying out the statistics but the numbers do not fully express what it’s like to survive domestic violence.

I have said this before but I can't stress this point enough: it is so important that everybody in America be involved in stopping domestic violence. There are so many people out there that have heard some woman scream in the night or seen some child beaten by a father, mother or caregiver and simply done nothing about it. They say to themselves that it is not their business, and so the perpetra-
Whereas learning and development are directly linked to the mental health of children, and a supportive learning environment is an optimal place to promote mental health;

Whereas sound psychological principles are critical to proper instruction and learning, social and emotional development, prevention and early intervention, and support for a culturally diverse student population;

Whereas school psychologists are specially trained to deliver mental health services and academic support that lowers barriers to learning and allows teachers to teach more effectively;

Whereas school psychologists collaborate with parents and educators to identify and reduce risk factors, promote protective factors, create safe schools, and access community resources;

Whereas school psychologists are trained to assess barriers to learning, utilize data-based decision making, implement research driven prevention and intervention strategies, evaluate outcomes, and improve accountability;

Whereas State educational agencies and other State entities credit more than 35,000 school psychologists who practice in schools in the United States as key professionals that promote the learning and mental health of all children;

Whereas the National Association of School Psychologists establishes and maintains high standards for training, practice, and school psychologist credentialing, in collaboration with organizations such as the American Psychological Association, that promote effective and ethical services by school psychologists to children, families, and schools;

Whereas the National Association of School Psychologists has a Model for Comprehensive and Integrated School Psychological Services that promotes standards for the consistent delivery of school psychological services to all students in need;

Whereas the people of the United States should recognize the vital role school psychologists play in the personal and academic development of the Nation’s children; and

Whereas the week beginning on November 8, 2010, would be an appropriate week to designate as National School Psychology Week:

Resolved, That the House of Representatives—

(1) supports the designation of National School Psychology Week;

(2) honors and recognizes the contributions of school psychologists to the success of students in schools across the United States; and

(3) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the vital role school psychologists play in schools, in the community, and in helping students become successful and productive members of society.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Louisiana (Mr. CASSEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

Ms. HIRONO. Mr. Speaker, I ask unanimous consent that Members be granted 5 legislative days to revise and extend and insert extraneous material on House Resolution 1645 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Ms. HIRONO. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1645, which honors and recognizes the contributions of school psychologists in our Nation’s education system by designating the week of November 8, 2010, as National School Psychology Week.

School psychologists are mental health professionals with specialized training who understand that many students face barriers to learning and need additional support to overcome these barriers and improve academic and behavioral outcomes. There are more than 35,000 credentialed school psychologists in this country who are essential in helping children succeed in school.

National School Psychology Week reminds us of the integral role school psychologists play daily in our schools to help ensure that our students have an opportunity to reach his or her full potential.

I would like to thank Representative Longacker for introducing this important measure and, once again, express my support for House Resolution 1645.

The work of school psychologists helps reduce high school dropout rates, decreases problem behaviors, and promotes academic success. School psychologists work together with youth, parents, and educators to identify and reduce risk factors, create safe schools, and access community resources.

Mental health professionals in the academic setting, including school psychologists, can play an important role in increasing a student’s engagement in school. The results of this work can be seen in absolute, concrete terms. Research points to higher standardized test scores and better grades as well as decreased absences and discipline referrals.

School psychologists are a vital resource in helping us narrow the achievement gap and reducing disproportionate representation of students from diverse backgrounds in special education.

Mr. Speaker, I once again express my support for House Resolution 1645 which recognizes the week of November 8th as National School Psychology Week.

I urge my colleagues to join me in support of the resolution.

I reserve the balance of my time.

Mr. CASSIDY. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1645, expressing support for designation of the week beginning on November 8, 2010, as National School Psychology Week.

National School Psychology Week takes place from November 8 to November 12 this year. Recognizing National School Psychology Week promotes the importance of providing support for students to be healthy, safe, and positive learning environment and to help remove academic and personal barriers to students’ success.
The role of school psychologists is diverse. School psychologists may help deliver mental health services as well as academic support. These individuals may also help to assess students to determine what learning barriers they face and how best to address those barriers.

The theme of this year’s National School Psychology Week is “today is a good day to shine.” This theme focuses on highlighting the positive work school psychologists do to promote students’ academic and personal success. We recognize National School Psychology Week to show our support for the efforts school psychologists make to create a healthy, safe, and positive learning environment. I stand in support of this resolution.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H. Res. 1645, designating the week of November 8th as National School Psychology Week. I introduced this Resolution in support of National School Psychology Week because, were it not for caring adults in my school and my community, I would not be where I am today. I know from my own childhood how circumstances outside school can affect a student’s performance in the classroom, so I believe it is extremely important that our schools have professionals trained to meet students’ nonacademic needs.

School psychologists perform a myriad of functions within schools. They work with students to improve social, emotional, and behavioral problems that may affect their ability to succeed in school, assess barriers to learning, and design and implement behavioral interventions that help teachers create positive classroom environments.

That is why I would like to take this opportunity to honor and recognize the professionals and ongoing collaborators for our children and grandchildren in schools across the country. Your efforts on behalf of our nation’s students are appreciated.

Mr. JOHNSTON of Georgia. Mr. Speaker, I rise to join in the actions of the House of Representatives in honoring and recognizing the contributions of school psychologists by designating the week of November 8, 2010 as National School Psychology Week. I proudly support H. Res. 1645 and urge my colleagues to support this important piece of legislation.

During the week of November 8, 2010, we will celebrate the critical role that school psychologists have in our nation’s education system. It is imperative that our nation’s children receive a quality education. While it is essential that our children take reading, writing, and arithmetic, a complete education includes proper social, emotional, and mental development. School psychologists ensure that our nation’s children are receiving the mental health and psychological development they need to prosper in this world. School psychologists work with teachers, coaches, and guidance counselors to educate the whole child. School psychologists play a vital role in the lives of our nation’s children as they are often the first and only mental health professionals with which our children come in contact.

School psychologists are highly trained individuals that work directly with students, teachers, and families to form collaborations that meet the educational needs of our children. The National Association of School Psychologists establishes and maintains high standards for training, practice, and school psychologist credentialing. School psychologists play a special role in promoting child development, motivating students, and building strong relationships between teachers, families, and administrators.

I take this time to especially thank the school psychologists in my home state of Georgia for all of their hard work and dedication. I encourage all of my constituents in the Fourth District to join in recognizing school psychologists and the vital role they have in educating our children.

I join the Chairman in urging my colleagues to support this resolution.

Mr. CASSIDY. I yield back the balance of my time.

Ms. HIRONO. Mr. Speaker, in closing, I would once again urge my colleagues to support House Resolution 1645. It takes many people to enable a child to succeed, and school psychologists are definitely one of those.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1645.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

AMERICAN MANUFACTURING EFFICIENCY AND RETRAINING INVESTMENT COLLABORATION ACHIEVEMENT WORKS ACT

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4072) to require that certain Federal job training and career education programs give priority to programs that provide national industry-recognized and portable credential, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4072

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 “American Manufacturing Efficiency and Retraining Investment Collaboration Achievement Works Act” or the “AMERICA Works Act”.

SEC. 2. INDUSTRY-RECOGNIZED AND NATIONALLY PORTABLE CREDENTIALS FOR JOB TRAINING PROGRAMS.

(a) WORKFORCE INVESTMENT ACT OF 1998—

(1) GENERAL EMPLOYMENT AND TRAINING ACTIVITIES.—Section 134(d)(4)(F) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(d)(4)(F)) is amended by adding at the end the following:

“(iv) PRIORITY FOR PROGRAMS THAT PROVIDE AN INDUSTRY-RECOGNIZED AND NATIONALLY PORTABLE CREDENTIAL.—In selecting and approving training services, or programs of training, approved by the Secretary, for services described in subsection (c), an on-stop operator and employees of a one-stop center referred to in subsection (c) shall give priority consideration to programs and services (approved by the appropriate State agency and local board in conjunction with section 122) that lead to a credential that is in high demand in the local area served and listed in the registry described in section 3(b) of the AMERICA Works Act.”.

(b) YOUTH ACTIVITIES.—Section 129(c)(1)(C) of the Workforce Investment Act of 1998 (29 U.S.C. 2854(c)(1)(C)) is amended—

(1) by redesignating clauses (ii) through (iv) as clauses (iii) through (v), respectively; and

(2) inserting after clause (i) the following:

“(ii) training (with priority consideration given to programs that lead to a credential that is in high demand in the local area served and listed in the registry described in section 3(b) of the AMERICA Works Act, if the local board determines that such programs are available and appropriate).”.

(b) CAREER AND TECHNICAL EDUCATION.—

(1) STATE PLAN.—Section 122(c)(1)(B) of the Carl D. Perkins Career and Technical Education Act of 2006 (29 U.S.C. 2342(c)(1)(B)) is amended by striking the semicolon at the end and inserting the following: “and, with respect to programs of study leading to an industry-recognized credential, will give priority consideration to programs of study that—

“(i) lead to an appropriate (as determined by the eligible agency) skills credential (which may be a certificate) that is in high demand in the area served and listed in the registry described in section 3(b) of the AMERICA Works Act; and

“(ii) may provide a basis for additional credentials, certificates, or degrees.”.

(2) USE OF LOCAL FUNDS.—Section 134(b) of the Carl D. Perkins Career and Technical Education Act of 2006 (29 U.S.C. 2354(b)) is amended—

(A) in paragraphs (1), by striking “; and” and inserting “; and—”;

(B) in paragraph (12)(B), by striking the period and inserting “; and—”;

(C) by adding at the end the following:

“(13) describe the career and technical education activities supporting the attainment of industry-recognized credentials or certificates, and how the eligible recipient, in selecting such activities, will give priority consideration to activities supporting high-demand registry skill credentials described in section 122(c)(1)(B)(i)(II).”.

(3) TECH-PREP PROGRAMS.—Section 203(c)(2)(E) of the Carl D. Perkins Career and Technical Education Act of 2006 (29 U.S.C. 2373(c)(2)(E)) is amended by striking “industry-recognized credentials or certificate” and inserting “industry-recognized credential or certificate (such as a high-demand registry skill credential described in section 122(c)(1)(B)(i)(II)).”.

SEC. 3. SKILL CREDENTIAL REGISTRY.

(a) DEFINITIONS.—In this section:


(b) INDUSTRY-RECOGNIZED.—The term “industry-recognized”, used with respect to a credential, means a credential that—

(A) is sought or accepted by companies within the industry sector involved as recognized, preferred, or required for recruitment, screening, or hiring; and

(B) is endorsed by a nationally recognized trade association or organization representing a significant part of the industry sector.

(c) NATIONALLY PORTABLE.—The term “nationally portable”, used with respect to a credential, means a credential that is sought...
or accepted by companies within the industry sector involved, across multiple States, as recognized, preferred, or required for recruitment, screening, or hiring.

(4) WORKFORCE INVESTMENT ACTIVITIES.—The term ‘‘workforce investment activities’’ has the meaning given the term in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

(b) Registry.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor (referred to in this section as the ‘‘Secretary’’) shall create a registry of skill credentials (which may be certificates), for purposes of enabling programs that functionally prepare individuals to receive priority under a covered provision.

(2) REGISTRY.—The Secretary shall—

(A) list the credential in the registry if the credential is required by Federal or State law for an occupation (such as a credential required by a State law regarding qualifications for a health care occupation);

(B) list the credential, and list an updated credential, in the registry if the credential involved is an industry-recognized, nationally provided credential that is consistent with the Secretary’s established industry competency models and is consistently updated through third party validation to reflect current industry standards;

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to require an entity with responsibility for selecting or approving education, training, or workforce investment activities program with regard to a covered provision, to select a program with a credential listed in the registry described in subsection (b).

SEC. 4. EFFECTIVE DATE.

This Act, and the amendments made by this Act, take effect 120 days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Louisiana (Mr. CASSIDY) each would control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

Ms. HIRONO. Mr. Speaker, I request leave to introduce H.R. 4072 into the House.

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentleman from Louisiana (Mr. CASSIDY) each would control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

Ms. HIRONO. Mr. Speaker, I request leave to introduce H.R. 4072 into the House.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4072, the American Manufacturing Efficiency and Retraining Investment Collaboration Act, or the AMERICA Works Act.

H.R. 4072 amends provisions in the Workforce Investment Act, or WIA, and in the Perkins Career and Technical Education Act to highlight industry-recognized credentialing, especially those in high-demand professions. This bill would require One-Stop Career Centers to give priority to training programs that result in participants receiving an industry-recognized credential for a high-demand profession in the locality these centers serve. This bill also requires schools to include in their career and technical education plans a description of how the Career and Technical Education Program will assist students in earning an industry-recognized credential or certification.

This bill makes some positive steps towards encouraging students and job seekers to pursue training that leads to industry-recognized credentials which could increase participants’ chances of obtaining a job in a given profession. However, H.R. 4072 amends only a very small portion of the Workforce Investment Act, which in years overdue for reauthorization. This bill would amend a provision without reauthorizing other important aspects of the law. Considering these changes within the context of a larger reauthorization discussion is important to ensuring the future of the American workforce. We need to take a comprehensive approach to workforce development and not approach these problems in a piecemeal fashion.

I reserve the balance of my time.

Ms. HIRONO. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Idaho (Mr. MINNICK).

Mr. MINNICK. Mr. Speaker, I rise in support of H.R. 4072, the AMERICA Works Act.

This is a bill that would direct the use of already-appropriated funds within the Carl Perkins Vocational Technical Education Act to prepare American workers with the skills necessary to qualify for the increasingly high-tech jobs available in the 21st century. It would do so by making available Federal funds from these programs to obtain nationally recognized industry credentials acceptable anywhere in the country.

Under this bill, training would continue to be done by technical schools, universities, and union-sponsored journeyman programs in coordination with companies and business groups. A welder trained in a junkyard in Maryland would have a certificate qualifying him to work in a machine shop in Idaho. An AmeriCorps trained diesel mechanic in my State could get an auto mechanic’s job in yours.

American workers are the best in the world. They are resilient, innovative and hardworking, but they must be properly trained and have widely accepted and understood credentials making them employable anywhere.

This bill will ensure that Federal job training is used to provide hardworking Americans desiring training with the certificates, degrees, and credentials American industry needs to fill the sophisticated technical jobs available in today’s business world.

I thank my colleague from Indiana for his support and the gentlewoman from Hawaii for her leadership, and urge my colleagues to support this bipartisan commonsense legislation.

Mr. CASSIDY. Mr. Speaker, I yield back the balance of my time.

Ms. HIRONO. Mr. Speaker, in closing, I would once again urge my colleagues to support the AMERICA Works Act. At a time when unemployment is high, we need to do everything we can to enable the workers not only to be trained, but to be able to utilize that training anywhere in our country.

I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and pass the bill, H.R. 4072, as amended.

The question was taken.

The SPEAKER pro tempore. The answer is “yea” or “nay.” The Speaker of the House, or the Designated Acting Speaker, who is the Sergeant at Arms, presides over the House while the Speaker is absent.

Ms. HIRONO. Mr. Speaker, on that I demand the yeas and nays.
The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

TEMPORARY EXTENSION OF SMALL BUSINESS PROGRAMS

Ms. VELAZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3839) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

SEC. 1. ADDITIONAL TEMPORARY EXTENSION OF SMALL BUSINESS PROGRAMS

(a) In General.—Section 1 of the Act entitled “An Act to extend temporarily certain authorities of the Small Business Administration”, approved October 10, 2006 (Public Law 110–114; 120 Stat. 787), as most recently amended by section 1 of Public Law 111–214 (124 Stat. 2346), is amended by striking “September 30, 2010” each place it appears and inserting “January 31, 2011”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on September 29, 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELAZQUEZ) and the gentleman from Louisiana (Mr. CASSIDY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELAZQUEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELAZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the role of small businesses in moving the economy forward has never been more important. Making up over 99 percent of all U.S. firms, they are critical to innovation, wealth creation, and, most importantly, employment gains.

As the economy continues to show signs of resurgence, we need to make certain that entrepreneurs have the right tools to make the most out of the recovery. The legislation before us extends the authority of the several important Small Business Administration programs which are key to supporting entrepreneurs across the country. Through the agency's initiatives, entrepreneurs are able to get a loan, secure a federal contact, and receive expert technical assistance.

The SBA is unique in that many of its programs work through resource partners. These partners, including training centers and community banks, are essential to the delivery of the agency's services to the small business community.

I urge my colleagues to vote “yes,” and I reserve the balance of my time.

Mr. CASSIDY. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the chairwoman’s request to suspend the rules and pass S. 3839. The legislation provides a 4-month extension of all of these Small Business Administration’s programs until January 31, 2011. This is a necessary measure as the extension expired last July.

America’s small businesses are struggling in this tough economy. Employers are having a tough time accurately predicting costs and revenues, making them hesitant to hire new workers or to take steps to expand their businesses. It is time to show our small business owners that we recognize and support the essential roles that they play in our economy. We can do so by approving this temporary extension of SBA programs, and then we must continue our work by crafting and implementing more thoughtful and complete reauthorizations of these critical programs.

Again, I support the chairwoman’s request to pass S. 3839, and I urge all Members to vote for the measure.

Ms. VELAZQUEZ. I yield back the balance of my time.

Mr. Speaker, I move to suspend the rules and pass the bill, S. 3839.

The question was taken; and (two-thirds being in the affirmative) the bill was passed.

A motion to reconsider was laid on the table.

CONGRESSIONAL RECORD — HOUSE

September 28, 2010

RECOGNIZING THE NATIONAL WATERWAYS CONFERENCE ON ITS 50TH ANNIVERSARY

Mr. SCHAUER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1639) recognizing the contributions of the National Waterways Conference on the occasion of its 50th anniversary, and for other purposes.

The SPEAKER pro tempore. Pursuant to the unanimous consent request of the Chairwoman, H. Res. 1639 was ordered to be reported by the Committee on Transportation and Infrastructure without further amendment.

The resolution is as follows:

H. RES. 1639

Whereas the Corps of Engineers (Corps) is the Nation’s premier water resources agency, charged by the Congress with responsibility over its 3 principal mission areas of navigation, flood damage reduction, and environmental restoration;

Whereas the Corps is responsible for the maintenance of more than 11,500 miles of channels in 41 States for commercial navigation, the operation of locks at 230 individual sites, the maintenance of over 300 deep-draft commercial harbors and over 600 shallow-draft coastal, and inland harbors, and the maintenance of over 8,500 miles of flood damage reduction structures, including levees; whereas the vast array of navigation and flood damage reduction infrastructure is important to the security and vitality of the Nation’s economy and overall prosperity; whereas the Corps’ environmental restoration mission seeks to achieve environmental sustainability, to promote balance and synergy among human development activities and natural systems, and to maintain a healthy, diverse, and sustainable condition necessary to support life; whereas the authorization for critical navigation, flood damage reduction, environmental restoration, and other water-related projects and studies carried out by the Corps is typically included in a water resources development act; whereas throughout the Corps’ history, water resources development acts have provided the Corps with the authority to carry out nationally significant projects that have improved the economic prosperity of the Nation, have protected its citizenry from the threat of flooding and coastal storms, and have put in place environmental restoration efforts for many of the Nation’s national treasures; whereas it is the tradition of the House of Representatives to ensure that our water resources development act in every Congress to address current and future needs for water-related projects and policy changes, including the historic override of a Presidential veto of the Water Resources Development Act of 2007 (Public Law 110–114); whereas continued and increased investment in the Nation’s water-related infrastructure is essential for meeting the critical navigation, flood damage reduction, environmental restoration, and other water-related needs of the Nation, as well as to ensure the economic security and quality of life of American families; whereas the National Waterways Conference was established in 1960 to advocate before the Congress for “common-sense water resources policies that maximize the economic and environmental value” of the Nation’s inland, coastal, and Great Lakes waterways; whereas the Conference supports continued congressional attention in meeting the Nation’s water-related needs through navigation, flood damage reduction and risk management, environmental protection and
restoration, hydroelectric power, recreation, and water supply.

Whereas the Conference is guided by the purpose of promoting a better understanding of the role the rivers and waterways of the United States play in the country’s economic development, environmental quality, energy conservation, international trade, defense preparedness, and the overall national interest;

Whereas the Conference strives to maintain a diverse membership that reflects many of the Nation’s waterways, including flood control associations, levee boards, waterways shippers and carriers, industry and regional associations, port authorities, shipyards, dredging contractors, regional water districts, engineering consultants, and local governments;

Whereas the Conference has been a consistent advocate for continued investment in the Nation’s water-related infrastructure, including its strong support for robust appropriations for the Corps of Engineers’ Civil Works programs;

Whereas the Conference serves as an effective national advocate for water resources-related policy and law; and

Whereas the Conference recognizes that regular authorization of a water resources development act is “essential to our nation’s environmental well-being and our economic viability,” be it

Resolved, That the House of Representatives—

(1) recognizes the value of the Corps of Engineers and its civil works mission to the economic prosperity and sustainable environmental health of the Nation;

(2) recognizes the contributions of the National Waterways Conference in the formulation of the Nation’s water-resources-related policies and programs for the Corps’ civil works mission and its advocacy for continued and increased investment in meeting the water resource needs of the Nation; and

(3) commends the National Waterways Conference on the occasion of its 50th anniversary.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SCHAUER) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. SCHAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Resolution 1639.

The Speaker pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SCHAUER. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1639 recognizes the contributions of the National Waterways Conference as it celebrates its 50th anniversary.

I applaud the gentleman from Illinois (Mr. OBERSTAR), the sponsor of this legislation, for introducing this resolution, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. I yield myself such time as I may consume.

Mr. Speaker, I rise today to honor the National Waterways Conference on their 50th anniversary.

The United States Army Corps of Engineers operates and maintains more than 12,000 miles of commercial inland channels—12,000 miles. The Corps of Engineers maintains waterways leading to 926 coastal, Great Lakes and inland harbors, which are things that we take for granted every single day regarding our economy. So I am actually pleased to be here today, speaking on behalf of the National Waterways Conference and, again, of this 50th anniversary.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, this resolution recognizes the 50th anniversary of the National Waterways Conference—an organization founded as a national advocate for effective policy and robust funding to meet our Nation’s water-related infrastructure needs. I commend the gentleman from Illinois (Mr. HARE) for introducing this resolution.

This resolution recognizes the valuable work of the National Waterways Conference, and congratulates them on marking 50 years of effective advocacy for meeting the Nation’s water-related infrastructure challenges.

Mr. Speaker, as the Chairman of the Committee on Transportation and Infrastructure, and a member of the Committee (Mr. OBERSTAR) frequently states, we are a Nation that was formed along the waters. While initially used as the main thoroughfare for commerce and trade, the utility of our Nation’s rivers, streams, and coastal areas to our communities has expanded throughout history; however, their importance has never waned.

Throughout its history, our Nation has been well served by the U.S. Army Corps of Engineers, the lead-Federal agency charged by Congress with meeting the growing water-related challenges facing the Nation.

For centuries, the Corps has served as the Nation’s premier water resource agency, charged by Congress with responsibility over its three principal mission areas of navigation, flood damage reduction, and environmental restoration.

Throughout this history, the Corps has had great successes in addressing many of the major water resource challenges presented to the agency by Congress.

From the development of major U.S. ports and the inland waterway system, to the protection of thousands of American cities and towns from the risk of flood damage, to the restoration of some of the Nation’s most valuable natural treasures, such as Yellowstone National Park and the Everglades.

This Congress, on a regular basis, has provided the Corps with the authority to carry out nationally significant projects that have improved the economic prosperity of the Nation, protected its citizenry from the threat of flooding and coastal storms, and have put in place environmental restoration efforts for the Nation’s natural treasures.

These authorities are typically included in a water resources development act, under the jurisdiction of the Committee on Transportation and Infrastructure, and my Subcommittee. Our Committee has a tradition of saying there are “no Republican levees, and no Democratic navigation projects”—but, I would contend, these projects are essential to the lives and livelihoods of the constituents we represent.

Investment in our water-related infrastructure should be one of those areas where we can come together as a nation—to meet the ever-growing challenges facing our Nation. As in the past, with the historic override of the Presidential veto of the Water Resources Development Act of 2007, which was approved by the Committee before the August District Work period.

Similarly, I join my colleagues in commending the work of the National Waterways Conference in the furtherance of our efforts to meet water resources bills on a biennial basis. Throughout its 50-year history, the Conference has been an effective National advocate for water resources policy and law, as well as a strong supporter for robust funding of the authorities for the Corps of Engineers.

Throughout this history, the Conference’s efforts to move the Water Resources Development Act in every Congress to address the water-resource needs of the Nation. As is clear from the diversity of the Conference’s membership, few areas of National policy have more divergent views, often competing needs, and potential for controversy than the Nation’s waters.

However, to aid this effort, organizations, such as the National Waterways Conference, can bring together often competing view points to promote effective National policy with respect to the management and protection of the Nation’s waters.

In that light, I applaud the Conference for its support of the Recovery Act, and its appropriation of $4.6 billion for the Corps to address the Nation’s water-resource needs. This investment, of which, as of August 31, over 93 percent has been obligated, has allowed the Corps to address much of the critical backlog for operation and maintenance of projects in the Corps’ jurisdiction.

I also applaud the Conference’s support for the Committee on Transportation and Infrastructure’s efforts to move the Water Resources Development Act of 2010. This effort is consistent with the traditions of the Committee to consider a water resources development act in every Congress to address the current and future water resource needs of the Nation.

Again, I congratulate the National Waterways Conference on the occasion of its 50th anniversary, and urge my colleagues to join me in support of this resolution.

Mr. OBERSTAR. Mr. Speaker, I rise today in support of H. Res. 1639, a resolution recognizing the 50th anniversary of the founding of the National Waterways Conference.

I applaud the gentleman from Michigan (Mr. HARE) for introducing this resolution and for his advocating the recognition of this auspicious anniversary of the Conference.

Mr. Speaker, the National Waterways Conference was established on July 1, 1960 to advocate before Congress for “common-sense water resources policies that maximize the economic and environmental value” of the nation’s inland, coastal, and Great Lakes waterways.
Throughout its history, the Conference has been a vocal supporter for continued Congressional attention in meeting the nation’s water-related needs, including navigation, flood damage reduction and risk management, environmental restoration, hydroelectric power, recreation, and flood damage reduction and risk management.

The Conference is guided by its purpose of promoting better understanding of the public value of the American waterways system, and to document the importance of far-sighted navigation and water resources policies to a sound economy, industrial and agricultural productivity, regional development, environmental quality, energy conservation, international trade, defense preparedness, and the overall national interest.

The Committee on Transportation and Infrastructure understands the importance of the nation’s waterways in preserving both the economic and environmental health and prosperity of the nation. Water is our common heritage. America’s greatest population centers are cities because they have ports. Seventy-five percent of the nation’s population lives along the water, either on the coasts or the inland waterways. Despite the relative scarcity of potable water supplies, generations of Americans have taken water for granted. For most Americans, the only time to think about water is when there is too much or not enough. Today, the nation’s water resources challenges and the world face significant water resources challenges; yet, there are clear signs that water-use is not being properly used or planned at home or throughout the world.

For over a century, the U.S. Army Corps of Engineers (Corps) has served our nation well in investigating and addressing our most critical water resources challenges. Whether it is the construction and maintenance of our coastal and inland navigation systems, protecting the lives and livelihoods of our constituents from flooding or coastal storms, or storing some of the nation’s greatest natural treasures, such as Yellowstone National Park or the Everglades, the nation has relied on its premier water-resources related agency, the Corps, to meet its current and future challenges.

The Committee on Transportation and Infrastructure, is a vital partner to that effort. It is within the periodic enactment of a water resources development act that Congress provides direction to the Corps to meet both the current and future water resources challenges of the nation, including authorizing critical navigation, flood damage reduction, environmental restoration projects, and studies carried out by the Corps.

Following the successful enactment of the Water Resources Development Act of 2007 (P.L. 110–114), the Democratic and Republican leadership of the Committee on Transportation and Infrastructure committed to enactment of a water resources development act every Congress.

Throughout its history, these water resources development acts have provided the Corps with the authority to carry out nationally significant projects that have improved the economic prosperity of the nation, have protected its citizenry from the threat of flooding and coastal storms, and have put in place restoration efforts for many of America’s natural treasures.

Throughout this effort, the National Waterways Conference has been a vocal advocate for regular authorization of water resources development acts. In the view of the Conference, regular consideration of such laws, such as that taken by our Committee in support of H.R. 5892, the “Water Resources Development Act of 2010”, is “essential to the nation’s environmental well-being and our economic vitality.” I applaud the Conference’s role that the Conference has played in the formation of water resources laws, and commend them for bringing the often-competing views of the various waterways users to the forefront of the debate on nationally significant water resources policies.

I also commend the Conference for its vocal support for funding of the Corps of Engineers in the American Recovery and Reinvestment Act (P.L. 111–5). Under the Recovery Act, Congress provided $4.6 billion to the Corps to address both a significant portion of its backlog of operation and maintenance needs, as well as plan and begin construction of the next-generation of water-related infrastructure. According to the Corps, as of August 31, more than 92 percent of the $4.6 billion is remaining to be obligated by the end of the fiscal year. By almost all accounts, this investment of $4.6 billion has been a huge success in meeting the water-related infrastructure needs of the nation. I applaud the foresight of the National Waterways Conference in its advocacy for this effort.

Mr. Speaker, I commend the Conference for its commitment to meeting the water-resources-related challenges of the nation, and for marking its 50th anniversary.

I urge my colleagues to join me in supporting H. Res. 1639.

Mr. HARE. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 50th anniversary of the National Waterways Conference.

I would like to begin by thanking Chairman Jim Oberstar of the Transportation and Infrastructure Committee for his support of the National Waterways Conference.

I urge my colleagues to join me in supporting H. Res. 1639.

Mr. Speaker, I am proud to have introduced H. Res. 1639 because the National Waterways Conference has worked tirelessly since 1960 in educating the public and elected officials about the importance of our nation’s inland waterways systems. The Conference reaches all corners of inland waterways, the Great Lakes, and coastal stakeholders because it consists of a diverse group of professionals who all work toward a common goal: utilizing the waterways in an efficient and responsible manner, while being accountable to the environment and our waters.

The Conference has also worked closely with the U.S. Army Corps of Engineers in planning valuable economic and environmental water-based projects in nearly every geographic region of the U.S. and territories. For example, in the 17th District of Illinois, the Sny Island Levee District and the Upper Mississippi, Illinois and Missouri Rivers Association have for years worked to ensure that Congress does not forget about the catastrophic flooding in the Midwest, and they have advocated for maximizing urgently needed flood protection and flood control. The Corps in turn, environmental well, has crafted a plan for protecting the Upper Mississippi River Valley communities. The Conference and Corps complement each other extremely well.

In addition to recognizing and commending the Conference, the resolution recognizes the solid commitment and excellent work done by the Corps of Engineers—the nation’s premier waterways infrastructure operators, designers and builders. The Corps is responsible for waterways navigation, flood damage reduction, and their role in our integrated national transportation and water resources policies.

I believe it is in the best interest of the American people that the National Waterways Conference continues to work with the Congress, the Corps’ Civil Works Division, and local communities because of its expertise in planning for a sound economy, industrial and agricultural productivity, regional development, environmental quality, energy conservation, international trade, and national defense preparedness.

Mr. Speaker, I know the National Waterways Conference will have another successful 50 years advocating for improvements to our nation’s water infrastructure. I would like to thank the National Waterways Conference for all of their hard work, and I wish them the best of luck in their next chapter.

I urge all of my colleagues to support passage of this bill.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. SCHAUER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. SCHAUER) that the House suspend the rules and agree to the resolution, H. Res. 1639.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

WINSTON E. ARNOW FEDERAL BUILDING

Mr. SCHAUER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4387) to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the “Winston E. Arnow Federal Building”.

The Clerk read the title of the bill.

The question was taken; and (two-thirds being in the affirmative) the bill was passed and ordered to the Senate.
From the Chair:

Mr. SCHAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4387.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SCHAUER. Mr. Speaker, I yield myself such time as I may consume.

I urge the adoption of this resolution, and I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. I yield myself such time as I may consume.

Mr. Speaker, I would like to take this opportunity to thank Congressman MILLER of Florida for his leadership and hard work on this bill to correct the designation of this building, which was named after Judge Arnow.

Now, we could say so much about the judge, but Mr. Speaker, I would just like to highlight one part of his career, which is something I try to do whenever possible, whenever anybody serves in the Armed Forces of the United States of America. I think, as much as his record is meritorious, it is something I always like to highlight.

Judge Arnow was in the private practice of law, but he also served as a U.S. Army major in the JAG Corps during World War II and served as a municipal judge in Gainesville, Florida. Again, I could go on and on, but I always try to highlight when someone has a military career in order to make sure that it is something we will never forget.

Mr. SCHAUER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5591) to designate the facility at Spokane International Airport in Spokane, Washington, as the "Ray Daves Air Traffic Control Tower," as amended. The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 5591

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

SECTION 1. DESIGNATION.
The airport traffic control tower located at Spokane International Airport in Spokane, Washington, and any successor airport traffic control tower at that location, shall be known and designated as the "Ray Daves Air Traffic Control Tower."

SEC. 2. REFERENCES.
Any reference in a law, map, regulation, document, paper, or other record of the United States to the airport traffic control tower referred to in the second section to be a reference to the "Ray Daves Airport Traffic Control Tower."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SCHAUER) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. SCHAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4387.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SCHAUER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 5591, and I urge my colleagues to join me in supporting H.R. 4387.

Mr. MARIO DIAZ-BALART of Florida. I yield myself such time as I may consume.

Mr. Speaker, I also rise in support of H.R. 5591, introduced by my colleague from Washington, Representative McMorris Rodgers, which, as the gentleman has just said, designates the airport traffic control tower located at Spokane International Airport as the Ray Daves Air Traffic Control Tower.

Again, I urge all our colleagues to also support it.

Mr. SCHAUER. Mr. Speaker, I rise in support of H.R. 5591, as amended, introduced by the gentleman from Washington (Mrs. McMorris Rodgers), which designates the airport traffic control tower located at Spokane International Airport in Spokane, Washington, as the "Ray Daves Air Traffic Control Tower."

The air traffic controllers in Spokane, Washington, were so inspired by the biography of Ray Daves, a World War II radioman and civilian air traffic controller, that they began urging to have the airport traffic control tower where he had worked named after him.

Ray Daves was a radioman for the U.S. Navy during World War II. He survived the bombing of Pearl Harbor. During the attack, he carried ammunition to a machine gun on the USS Yorktown. Ray was stationed at the U.S. Pacific Fleet Headquarters on Oahu, Hawaii. Later, Daves volunteered for service aboard the USS Yorktown aircraft carrier, where he was assigned to the emergency radio room. He was present during the Battle of the Coral Sea and the sinking of Yorktown during the Battle of Midway in 1942.

During the rest of World War II, Daves served his country in Alaska as a radioman at Cold Bay, Alaska, for the U.S. Navy's airfields and radio stations. He served aboard the USS Yorktown during World War II veterans visit the memorial in their honor located in Washington, DC.

I urge my colleagues to join me in supporting H.R. 5591.

Mrs. McMorris Rodgers. Mr. Speaker, I rise today in strong support of H.R. 5591, to designate the Federal Aviation Administration facility at the Spokane International Airport in Spokane, Washington, as the "Ray Daves Air Traffic Control Tower." I thank Chairman Obester and Ranking Member Mica for bringing the bill to the floor today.

As the sponsor of this bill, it is with great pride I stand here today. Ray Daves is a Purple Heart recipient and Pearl Harbor survivor who served our nation aboard the USS Yorktown throughout the Pacific during World War II.
While Ray's military service alone warrants this dedication, his commitment to his country and community since leaving the military justifies it as well. For the last 65 years, Ray has made Spokane his home—first working as an air traffic controller and still to this day volunteering his time to educate others about the Honor Flight Program for World War II veterans.

This recognition not only commemorates Ray's sacrifices and accomplishments, but also those made by the greatest generation, whose sacrifices to our country will never be forgotten.

I urge all of my colleagues to support H.R. 5591 and join me in thanking Ray Daves and those like him for his life of service.

Mr. MARIO DIAZ-BALART of Florida. I yield back the balance of my time.

Mr. SCHAUER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SCHAUER) and the gentleman from New Jersey (Mr. LoBIONDO) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. SCHAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks to include extraneous mate- rials on H.R. 6008.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SCHAUER. Mr. Speaker. I yield myself as much time as I may con- sume.

Mr. Speaker, after the BP Deepwater Horizon oil spill, I never could have imagined that my community too could have been impacted by such an oil spill, but it happened.

On July 26, 2010, Enbridge Energy Partners reported a ruptured pipeline that spilled an estimated 1 million gal- lions of heavy Canadian crude oil into Talmadge Creek south of Marshall, Michigan, in my district. Oil-covered wildlife, a river and creek flowing black with oil for miles, and citizens evacuated from homes—these were all images from this oil spill that my constituents will not soon for- get.

According to the National Transportation Safety Board, on Sunday, July 26, 2010, at 5:58 p.m., alarms began sounding in Enbridge Energy Partner's control room in Edmonton, Alberta, Canada, on Line 6B of Enbridge's Lakehead Pipeline. For more than 13 hours, alarms continued in Enbridge's time Frame and Dig site. Enbridge knew what was wrong with their 6B pipeline until 11:18 a.m. the following day when another company's technician reported to Enbridge that there was oil in Talmadge Creek. The leak was confirmed by Enbridge personnel on Line 6B, on July 26, and they began laying boom immediately but did not report the spill until 1:29 p.m., nearly 2 hours later, to the National Response Center.

Another recent incident in San Bruno, California, the tragic PG&E rupture, took the lives of four people—three more are still missing—还有一个 numerous others, destroyed 37 homes and damaged 11 others. This occurred at 6:11 p.m. on September 9, 2010. It wasn't reported to the National Response Center until 11:35 p.m., over 5 hours later.

When public's safety and health are at risk, every second counts. In the time Enbridge and PG&E waited to report these spills, Federal agencies and government emergency responders could have been en route or at the sites to help.

Congress directed that "a pipeline facility shall provide immediate telephonic notice of a release of hazardous liquid." In 2002, the Pipeline and Hazardous Materials Safety Administration's predecessor determined "immediately" to be defined as between 1 and 2 hours after discovery. Congress said a reportable spill incident needs to be reported immediately. Five hours is not immediately. Two hours is not even immediately.

My bipartisan bill, H.R. 6008, the Corporate Liability and Emergency Accident Notification Act, clarifies the congressional intent of the term "immediately" in reporting a spill incident to the National Response Center and defines "immediately" to be no more than 1 hour after the discovery of an incident. My bill also increases penalties for any violation of a Federal pipeline safety regulation, including failure to report a spill incident in a timely manner. Additionally, the CLEAN Act seeks to increase transparency by directing the U.S. Department of Transportation to create a
Mr. Speaker, I reserve the balance of my time.

Mr. LoBIONDO. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Michigan has adequately described the critical importance of this bill on pipeline safety. We support the bill.

H.R. 6008—the Corporate Liability and Emergency Accident Notification Act—makes three changes to the Federal pipeline safety law.

The bill requires that the Department of Transportation maintain a database on its website of all reportable pipeline incidents and make the database available to the public.

The bill also increases the civil liability caps for violations of pipeline safety laws.

H.R. 6008 also requires that pipeline operators notify the National Response Center not later than 1 hour after the discovery of a release of natural gas or hazardous liquids. Pipeline operators are currently required to notify the NRC not later than 2 hours after the discovery of a leak.

The Federal pipeline safety programs are set to expire in one week. Recent pipeline accidents in San Bruno, California; Romeoville, Illinois; and Marshall, Michigan have brought pipeline safety to the forefront. While this bill addresses some of the issues that should be addressed in a comprehensive pipeline safety reauthorization bill, it does not address all of them.

I hope that Congress considers a comprehensive pipeline safety reauthorization bill that addresses all of the relevant pipeline safety issues in the very near future.

Mr. Speaker, I urge all of my colleagues to support this resolution.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 6008, as amended, the “Corporate Liability and Emergency Accident Notification Act,” introduced by the gentleman from Michigan (Mr. SCHAUKER).

Last week, the Committee on Transportation and Infrastructure held a hearing on the rupture of Enbridge’s Line 6B pipeline, which released more than one million gallons of crude oil into Talmadge Creek and the Kalamazoo River just one mile south of Marshall, Michigan. The Kalamazoo River flows into Lake Michigan. The spill devastated the local environment and wildlife, uprooted homeowners that live near the creek and river, and exposed local communities to noxious and toxic substances before Enbridge even raised alarm.

I recall vividly in 1986, as Congress prepared for reauthorization of the pipeline safety program, a massive rupture that occurred on the Williams Pipe Line in Mounds View, Minnesota. Corrosion was the culprit. Unleaded gasoline spilled from a 7.5-foot long opening along the longitudinal seam of the pipe. Gasoline vapor combined with air and liquid gasoline flowed along neighborhood streets for about an hour and a half—until the manually operated gate valve was shut off. About 30 minutes into the release, the gasoline vapor was ignited when a car entered the area, its loose tailpipe struck the pavement, sparked and ignited the vapor. An inferno engulfed a three-story home. a woman and her daughter were burned severely when the fireball rolled over them, later taking their lives. Another person suffered serious burns.

I have talked about that incident during debate on every pipeline safety bill that has come before this House because I will never forget where I was and what I was doing when I heard about the devastation that rupture had caused; it will be with me for the rest of my life. Congressman SCHAUKER, I assure you, will never forget where he was when he learned of the Enbridge spill in Marshall, Michigan. Nor will Congressman RICK LARSEN ever blot out the memory of the gasoline spill in a creek that flowed through Whatcom Falls Park in Bellingham, Washington, that claimed the lives of two 10-year-old boys and a young man of 18 celebrating his high school graduation by fishing in that creek.

While we do not yet know the cause of the Michigan incident, we do know that the spill likely occurred sometime the day before Enbridge reported it to the National Response Center. In contrast to Enbridge’s claims at our hearing, the Enbridge control center did not even realize that a massive rupture had occurred on the pipeline until a utility worker from an unrelated company, Consumers Energy, called Enbridge to report that he was seeing strong odors. We know that Enbridge personnel at the control center experienced an abrupt pressure drop on the line, that they experienced multiple volume balance alarms over the course of 13 hours before sending a technician to the pump station, located just three-quarters of a mile from the rupture. We know that Enbridge reported that the technician did not see any problems or smell any odors at the pump station, even though numerous residents in the immediate vicinity of the pump station (and others living nearby) reported to Committee staff that they smelled strong odors the day before. We also know that Enbridge knew about hundreds of defects in the line, and we know that the Pipeline and Hazardous Materials Safety Administration was made aware of them and failed to do anything to address Enbridge’s inaction.

The bill before you today holds pipeline operators accountable to a maximum of one hour to telephonically report a release of hazardous liquid or gas resulting in an incident. The bill also requires that the Secretary of Transportation, DOT, and the National Response Center search the database for incidents by pipeline facility owner or operator. This bill also increases the civil liability caps for violations of pipeline safety laws.

The bill also increases the civil liability caps for violations of pipeline safety laws.

Mr. Speaker, it was only a short time ago on July 26, 2010 in Marshall, Michigan when the Enbridge Pipeline oil spill transpired. Roughly 1 million barrels of crude oil were dumped into the Talmadge Creek and Kalamazoo River. This incident negatively impacted the environmental and public health of the surrounding areas. Similar subsequent incidents occurred earlier this month in Romeoville, Illinois and San Bruno, California. These episodes vividly illustrate the urgent need for action.

In addition, H.R. 6008 instructs the Secretary of Transportation to maintain an online database on the Department of Transportation website, which will record all reportable releases involving gas or hazardous liquid pipelines. The public will be able to view and search the database for incidents by pipeline facility owner or operator. This bill also increases the maximum civil penalties per violation and incident to further dissuade such incidents from occurring. These important measures will strive to decrease the response time, the environmental and public health impact of leaks.

I am particularly concerned by reports of pipeline spills and explosions because my district, the 37th Congressional District of California, contains over 643 total pipeline miles in the National Pipeline Mapping System. More than 558 of these miles are hazardous liquid pipelines. The map of pipelines in my district looks like a spaghetti bowl with pipelines crossing in every direction. Not a single one of my constituents can possibly live more than a mile or so away from a pipeline carrying hazardous material. Unfortunately, from 2000 to 2009, 40 of these incidents were hazardous liquid pipeline accidents and I know, from my district, that this number has not decreased significantly enough to be reported to the DOT’s Pipelines and Hazardous Materials Safety Administration.
The new notification requirements imposed by H.R. 6008 will help decrease the time required to respond to pipeline leaks, thereby lessening the damage caused by such leaks. Moreover, the increased penalties for violations of Federal pipeline safety laws will provide incentives for pipeline owners and operators to follow guidelines and aid responsibility. All in all, this is a very good bill and I strongly support it.

I urge my colleagues to join me in supporting H.R. 6008.

Mr. SCHAUER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. SCHAUER) that the House suspend the rules and pass the bill, H.R. 6008, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: “A bill to ensure telephonic notice of certain incidents involving hazardous liquid and gas pipeline facilities, and for other purposes.”

A motion to reconsider was laid on the table.

NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION ACT OF 2010

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4714) to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2011 through 2014, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill as follows:

H.R. 4714

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short title—This Act may be cited as the “National Transportation Safety Board Reauthorization Act of 2010”.

(b) Table of Contents—

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Definitions.
Sec. 4. General organization.
Sec. 5. Administrative.
Sec. 6. Disclosure, availability, and use of information.
Sec. 7. Training.
Sec. 8. Reports and studies.
Sec. 9. Authorization of appropriations.
Sec. 10. Accident investigation authority.
Sec. 11. Marine casualty investigations.
Sec. 12. Inspections and audits.
Sec. 13. Discovery and use of cockpit and surface vehicle recordings and transcripts.
Sec. 14. Family assistance.
Sec. 15. Notification of marine casualties.
Sec. 16. Use of board name, logo, initials, and seal.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment or re-

peal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. DEFINITIONS.

Section 1101 is amended to read as follows:

“(a) ACCIDENT DEFINED.—In this chapter, the term ‘accident’—

(1) means an event associated with the operation of a vehicle, aircraft, or pipeline, which results in damage to or destruction of the vehicle, aircraft, or pipeline, or which results in the death of or serious injury to a person, regardless of whether the initiating event is accidental or otherwise; and

(2) may include an incident that does not involve destruction or damage of a vehicle, aircraft, or pipeline, but which causes transportation safety, as the Board prescribes by regulation.

(b) APPLICABILITY OF DEFINITIONS IN OTHER LAWS.—The definitions contained in section 2101(17a) of title 46 and section 40102(a) of this title apply to this chapter.

The last sentence of section 1111(d) is amended by striking “absent” and inserting “unavailable”.

SEC. 4. ADMINISTRATIVE.

(a) General Authority.—Section 1113(a) is amended—

(1) in paragraph (1)—

(A) by inserting “and depositions” after “hearings”; and

(B) by striking “subpoena” and inserting “subpoena”; and

(2) in paragraph (2) by inserting before the first sentence the following: “In the interest of promoting transportation safety, the Board shall have the authority by subpoena to summon witnesses and obtain evidence relevant to an accident investigation conducted under this chapter.”;

(b) ADDITIONAL POWERS.—

(1) AUTHORITY OF BOARD TO ENTER INTO CONTRACTS AND OTHER AGREEMENTS WITH NONPROFIT ENTITIES.—Section 1113(b)(1)(H) is amended by inserting “and other agreements” after “contracts”.

(2) AUTHORITY OF BOARD TO ENTER INTO AND PERFORM CONTRACTS, AGREEMENTS, LEASES, OR OTHER TRANSACTIONS.—Section 1113(b) is amended—

(A) by striking paragraph (1)(I) and inserting the following:

‘‘(I) negotiate, enter into, and perform contracts, agreements, leases, or other transactions with individuals, private entities, Federal department, agencies, and instrumentalities of the Government, State and local governments, and governments of foreign countries on such terms and conditions as the Chairman of the Board considers appropriate to carry out the functions of the Board and require that such entities provide appropriate consideration for the reasonable costs of any facilities, goods, services, or training provided by the Board.;’’ and

(B) by adding at the end the following:

‘‘(J) LEASE LIMITATION.—The authority of the Board to enter into leases shall be limited to the provision of special use space related to an accident investigation, or for general use space, at an average annual rental cost of not more than $300,000 for any individual property.’’;

(3) AUTHORITY OF OTHER FEDERAL AGENCIES.—Section 1113(b)(2) is amended to read as follows:

‘‘(2) AUTHORITY OF OTHER FEDERAL AGENCIES.—Notwithstanding any other provision of law, the head of a Federal department, agency, or instrumentality may transfer to the Board, or receive from the Board, with or without reimbursement, supplies, personnel, services, and equipment (other than administrative supplies and equipment).’’;

(c) CRITERIA ON PUBLIC HEARINGS.—

(1) IN GENERAL.—Section 1113 is amended by adding at the end the following:

‘‘(D) A PUBLIC HEARING.—‘‘(1) DEVELOPMENT OF CRITERIA.—The Board shall establish by regulation criteria to be used by the Board in determining, for each accident investigation and safety study undertaken by the Board, whether or not the Board will hold a public hearing on the investigation or study.

‘‘(2) FACTORS.—In developing the criteria, the Board shall give priority consideration to the following factors:

‘‘(A) Whether the accident has caused significant loss of life.

‘‘(B) Whether the accident has caused significant property damage.

‘‘(C) Whether the accident may involve a national transportation safety issue.

‘‘(D) Whether a public hearing may provide needed information to the Board.

‘‘(E) Whether a public hearing may offer an opportunity to educate the public on a safety issue.

‘‘(F) Whether a public hearing may increase both the transparency of the Board’s investigative process and public confidence that such process is comprehensive, accurate, and unbiased.

‘‘(G) Whether a public hearing is likely to significantly delay the conclusion of an investigation and whether the possible adverse effects of the delay on safety outweigh the benefits of a public hearing.’’;

(2) ANNUAL REPORT.—Section 1117 is amended—

(A) by striking “and” at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting “; and”; and

(C) by adding at the end the following:

‘‘(7) an analysis of the Board’s implementation of the criteria established pursuant to section 1113(d) during the prior calendar year, including an explanation of any instance in which the Board did not hold a public hearing for an investigation of an accident that had caused significant property damage or that may involve a national transportation safety issue.’’;

(d) ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE.—Section 1113 is further amended by adding at the end the following:

‘‘(1) ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE.—

‘‘(A) AUTHORITY TO PROVIDE INSURANCE.—The Board may procure accidental death and dismemberment insurance for an employee of the Board who travels for an accident investigation or other activity of the Board outside the United States or inside the United States under hazardous circumstances, as defined in this Act.

‘‘(B) CREDITING OF INSURANCE BENEFITS TO OFFSET UNITED STATES TORT LIABILITY.—Any amounts paid to a person under insurance coverage procured under this subsection shall be credited as offsetting any liability of the United States to pay damages to that person under section 1346(b) of title 28, chapter 171 of title 28, chapter 163 of title 10, or any other provision of law authorizing recovery based upon tort liability of the United States in connection with the injury or death resulting in the insurance payment.

‘‘(C) TREATMENT OF INSURANCE BENEFITS.—Any amounts paid under insurance coverage procured under this subsection shall not be considered to be insurance proceeds for purposes of section 5536 of title 5; or
“(B) offset any benefits an employee may have as a result of government service, including compensation under chapter 81 of title 5.”;

“19. ENTITLEMENT TO OTHER INSURANCE.—Nothing in this subsection shall be construed as affecting the entitlement of an employee to insurance under section 670(b) of title 5.”;

SEC. 6. DISCLOSURE, AVAILABILITY, AND USE OF INFORMATION.

(a) TRADE SECRETS, COMMERCIAL INFORMATION, AND FINANCIAL INFORMATION.—Section 1114(b) is amended—

(1) by striking the subsection heading and inserting the following: “Trade Secrets, Commercial Information, and Financial Information”;

(2) in paragraph (1) in the matter preceding subparagraph (A)—

(A) by inserting “submitted to the Board in the course of a Board investigation or study” and after “informed”, and

(B) by inserting “, or commercial or financial information if the information would otherwise be withheld under section 552(b)(4) of this title, in the course of a Board investigation or study”;

(3) in paragraph (2) by striking “paragraph (1)” and inserting “subparagraphs (A) through (C) of paragraph (1)”;

(4) by adding at the end the following:

“(4) ANNOTATION OF CONTROLLED INFORMATION.—Each person submitting to the Board trade secrets, commercial information, financial information, or information that could be classified as controlled under the International Traffic in Arms Regulations shall appropriately annotate the information to indicate the restricted nature of the information in order to facilitate proper handling of such materials by the Board. In this paragraph, the term ‘International Traffic in Arms Regulations’ means those regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations (or any successor regulation).”;

“5. DISCLOSURES TO PROTECT PUBLIC HEALTH AND SAFETY.—Disclosures of information under paragraph (1)(D) may include disclosures through accident investigation reports, safety studies, and safety recommendations.”;

(b) SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.—The second sentence of section 1114(d)(1) is amended by striking “that” after “informed”.

(c) VESSEL RECORDINGS AND TRANSCRIPTS.—Section 1114 is amended—

(1) in subsection (a)(1) by striking “and” and inserting “(a)(1);”;

(2) in subsection (d)(1) by striking “or vessel”;

(3) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(4) by inserting after subsection (d) the following:

“(e) VESSEL RECORDINGS AND TRANSCRIPTS.—

“(1) CONFIDENTIALITY OF RECORDINGS AND TRANSCRIPTS.—The Board may not disclose publicly any part of a vessel’s voyage recorder recording or transcript of oral communications by or among the crew, pilots, or docking masters of a vessel, vessel traffic service operators, or between the vessel’s crew and company communication centers, related to a marine casualty investigated by the Board. However, the Board shall appropriately annotate the information before disclosing the information. An individual or entity may request the Board to disclose such information, as in effect on the date of enactment of this subsection.”;

“(2) REFERENCES TO INFORMATION IN MAKING SAFETY RECOMMENDATIONS.—This subsection does not prevent the Board from referring at any time to voice or video recorder information in making safety recommendations and

(d) FOREIGN INVESTIGATIONS.—Section 1114(g) (as redesignated by subsection (c)(3) of this section) is amended—

(1) in paragraph (1) by striking “shall” and inserting “may”;

(2) in paragraph (2) by inserting “, or other relevant information authorized for disclosure under this chapter,” after “information”;

(e) PARTY REPRESENTATIVES TO NTSB INVESTIGATIONS.—

(1) IN GENERAL.—Section 1114 is further amended by adding at the end the following:

“(h) PARTY REPRESENTATIVES TO NTSB INVESTIGATIONS.—

“(1) PROHIBITION ON DISCLOSURE OF INFORMATION.—A party representative to an accident or marine casualty investigation of the Board is prohibited from disclosing, orally or in written form, investigative information, as defined by the Board, to anyone who is not an employee of the Board or who is not a party representative to such investigation, except—

“(A) as provided in paragraph (2); or

“(B) at the conclusion of the fact finding stage of an investigation, which the investigator-in-charge shall announce by formal posting of a notice to the publicly available investigation docket.”;

“(2) EXCEPTION.—If the investigator-in-charge determines that a disclosure of information related to an accident or marine casualty investigation is necessary to prevent additional accidents or marine casualties, to address a perceived safety deficiency, or to assist in the conduct of the investigation, the investigator-in-charge may at any time authorize in writing a party representative to disclose such information under conditions approved by the investigator-in-charge. Such conditions shall ensure that, until the posting of a formal notice described in paragraph (1)(B), or until the information disclosed pursuant to this paragraph becomes publicly available by any other means, neither the entity represented by the party representative nor any individual may use such information in preparation for the prosecution of any claim or defense in litigation in connection with the accident or marine casualty, or to make or deny any insurance claim in connection with such accident or marine casualty.

“(3) COMPLIANCE.—The Board shall require any individual or party representative to an investigation of the Board to sign a party agreement that includes language informing the individual of the prohibition in paragraph (2) and

“(4) REPRESENTATIVES OF FEDERAL AGENCIES.—Paragraph (3) shall not apply to an individual who is a representative of the Secretary of the department in which the Coast Guard is operating, or any other Federal department, agency, or instrumentality participating in the investigation and deemed by the Board to be performing a law enforcement or similar function.

“(5) COMPLIANCE WITH FAA STATUTORY OBLIGATIONS.—Nothing in this subsection prohibits the Federal Aviation Administration from fulfilling statutory obligations to ensure safe operations.

(5) PARTY REPRESENTATIVE DEFINED.—In this subsection, the term ‘party representative’ means an individual representing a party to an investigation pursuant to section 8704(b) of title 5.”

SEC. 7. TRAINING.

(a) STUDIES AND INVESTIGATIONS.—Section 1116(b) is amended—

(1) in paragraph (1) by striking “carry out” and inserting “conduct”;

(2) in paragraph (3) and inserting the following:

“(3) prescribes requirements for persons reporting accidents, as defined in section 1110(a), that may be investigated by the Board under this chapter.”;

(b) URGENT SAFETY RECOMMENDATIONS AND INTERIM MEASURES.—Section 1116 is amended by adding at the end the following:

“(c) URGENT SAFETY RECOMMENDATIONS AND INTERIM MEASURES.—Nothing in this section shall restrict the Board from—

“(A) making urgent safety recommendations identified by an ongoing safety investigation or study, to any department, agency, or instrumentality of the National Transportation Safety Board, the National Oceanic and Atmospheric Administration, the Department of Transportation, the National Aeronautics and Space Administration, or any other department, agency, or instrumentality of the United States; or

“(B) offset any benefits an employee may have as a result of government service, including compensation under chapter 81 of title 5.”

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this subsection, including any recommendations for improvements in the Board’s use of the party representative process.

SEC. 8. REPORTS AND STUDIES.

(a) STUDIES AND INVESTIGATIONS.—Section 1116 is amended—

(1) in paragraph (1) by striking “call out” and inserting “conduct”;

(2) by striking paragraph (3) and inserting the following:

“(3) prescribes requirements for persons reporting accidents, as defined in section 1110(a), that may be investigated by the Board under this chapter.”;

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall restrict the Board from—

“(A) making urgent safety recommendations identified by an ongoing safety investigation or study, to any department, agency, or instrumentality of the National Transportation Safety Board, the National Oceanic and Atmospheric Administration, the Department of Transportation, the National Aeronautics and Space Administration, or any other department, agency, or instrumentality of the United States; or

“(B) offset any benefits an employee may have as a result of government service, including compensation under chapter 81 of title 5.”

(c) GAO STUDY OF PARTY PROCESS.—(1) IN GENERAL.—The Comptroller General shall conduct a study on the use of party representatives in investigations conducted by the National Transportation Safety Board.

(2) CONTENTS.—In conducting this study, the Comptroller General shall examine, at a minimum—

(A) whether the composition of the party representatives should be broadened to include on-going representatives from other entities that could provide independent, technically qualified representatives to a Board investigation;

(B) whether the participation of party representatives in a Board investigation results in any unfair advantages for the entities represented by the party representatives while the Board is conducting the investigation;

(C) whether the use of party representatives leads to bias in the outcome of a Board investigation;

(D) whether Board investigations would be compromised in any way absent the participation and expertise of party representatives; or

(E) whether the Board would consider using party representatives in any of the other types of investigations performed by the Board.

(3) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this subsection, including any recommendations for improvements in the Board’s use of the party representative process.
the Federal Government, a State or local governmental authority, or a person concerned with transportation safety; or

(2) recommending interim measures, as identified in section 1101(a)(2), to a department, agency, instrumentality, authority, or person described in subparagraph (A) to mitigate risks to transportation safety pending implementation of comprehensive responses by the department, agency, instrumentality, authority, or person.

SEC. 2. INCLUSION IN FINAL ACCIDENT REPORT. The Board makes an urgent safety recommendation or recommends an interim measure before completing a final accident report, but the urgent safety recommendation or interim measure shall also be reflected in the final accident report.

(c) EVALUATION AND AUDIT.—Section 1138(a) is amended by striking “conducted at least annually, but may be”.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS. (a) IN GENERAL.—Section 1118(a) is amended to read as follows:

(1) $107,583,000 for fiscal year 2011;
(2) $113,347,000 for fiscal year 2012;
(3) $122,187,000 for fiscal year 2013; and
(4) $126,000,000 for fiscal year 2014.

(b) F EES, R EFUNDS, R EIMBURSEMENTS, AND ADVANCES.—Section 1131(b)(2) is amended by striking “or reimbursement” and inserting “activities, services, and facilities”;

(c) PROVIDING ACCESS TO INFORMATION NOT IN THE PUBLIC DOMAIN.—Section 1131(d) is amended by inserting “and the Secretary of the Treasury or the Secretary’s designee” before the period.

(d) INCIDENT INVESTIGATIONS.—Section 1131 is amended by striking the paragraph heading and inserting the following:

(1) MEMORANDUM OF UNDERSTANDING.—Not later than 90 days after the issuance of final regulations under section 1101(a)(2), the Chair of the Board shall seek to enter into a memorandum of understanding with the Secretaries of the Departments of Transportation and Homeland Security, or the head of each such department, for the purpose of providing policies and procedures for the implementation of comprehensive facilities, equipment, and other means of transportation security, in accordance with the best investigation practices of Federal and non-Federal entities.

(2) REQUIREMENT TO PARTNER.—The Board may make a partnership with a Privately Operated Authority, a State or local governmental authority, or a person concerned with transportation safety, in accordance with the best investigation practices of Federal and non-Federal entities.

(3) REQUIREMENT TO PARTNER.—The Board may make a partnership with a Privately Operated Authority, a State or local governmental authority, or a person concerned with transportation safety, in accordance with the best investigation practices of Federal and non-Federal entities.

(4) REQUIREMENT TO PARTNER.—The Board may make a partnership with a Privately Operated Authority, a State or local governmental authority, or a person concerned with transportation safety, in accordance with the best investigation practices of Federal and non-Federal entities.

(5) REQUIREMENT TO PARTNER.—The Board may make a partnership with a Privately Operated Authority, a State or local governmental authority, or a person concerned with transportation safety, in accordance with the best investigation practices of Federal and non-Federal entities.

(6) REQUIREMENT TO PARTNER.—The Board may make a partnership with a Privately Operated Authority, a State or local governmental authority, or a person concerned with transportation safety, in accordance with the best investigation practices of Federal and non-Federal entities.

(7) REQUIREMENT TO PARTNER.—The Board may make a partnership with a Privately Operated Authority, a State or local governmental authority, or a person concerned with transportation safety, in accordance with the best investigation practices of Federal and non-Federal entities.
There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very special moment for me. It's at least the fourth or fifth National Transportation Safety Board reauthorization bill that I have brought to the floor to manage during the years that I chaired the aviation authorization subcommittee. And during the years when we were in the minority and our Republican colleagues on the committee to bring NTSB authorizations to the floor, I'm proud to say they have all, under management by either party in our committee, these bills have all come out of committee with a unanimous vote.

I yield back the balance of my time.
has done historically: investigate incidents as well as accidents. The Safety Board’s work in response to incidents is no less important and has produced a body of work that, without question, has prevented future accidents and loss of life.

The Safety Board’s work in investigating past incidents has taught us that incidents are often precursors to major accidents that involve fatalities and serious damage. I recall the Safety Board’s work on near-collisions and runway incursions in the 1980s, when I chaired our Subcommittee on Investigations and Oversight. In response to a spate of runway incursions—including one incident in which two DC-10s with a combined 501 passengers on board nearly collided at Minneapolis-St. Paul International Airport—the Safety Board issued detailed recommendations to the Federal Aviation Administration and operators on how to prevent similar near-disasters. In the years since, the Safety Board has continued its work in analyzing runway incursions. Enhancing runway safety remains a priority on the NTSB’s Most Wanted List of aviation safety improvements.

In addition, H.R. 4714 should resolve, once and for all, any ambiguity in the NTSB’s authority to issue subpoenas in all investigations. In a few cases, NTSB investigations have been hindered or delayed when the recipients of subpoenas have not complied, arguing that the NTSB’s authority to issue subpoenas only extends to the conduct of public hearings. H.R. 4714 makes it clear that the NTSB’s subpoena authority extends equally to all investigations: those that require public hearings, as well as those that do not.

The bill also clarifies that the NTSB is not required to determine a single cause or probable cause of a transportation accident, but may determine that there was more than one probable cause. The bill keeps pace with advancements in accident investigation, which recognize that a particular accident is rarely attributable to a single cause or probable cause, and that most accidents happen as the result of cumulative factors.

The bill also holds the NTSB accountable, by requiring the Safety Board to develop a list of criteria that it will use to determine whether to hold a public hearing in any particular investigation.

Furthermore, H.R. 4714 permits the NTSB to delegate its full authority to investigate major marine casualties to the Coast Guard if the NTSB determines that Coast Guard personnel assigned to investigate marine casualties possess the training, experience, and qualifications necessary to employ best practices in use by marine casualty investigators. In addition, the bill ensures coordination and cooperation between the NTSB and the Coast Guard in investigations of major marine casualties.

H.R. 4714 also permits the NTSB, upon coordination with the State Department, to investigate a transportation accident that occurred overseas, and to use appropriated funds to complete that investigation. The NTSB accepted such a delegation of responsibility by the government of Afghanistan to investigate the 2004 crash of Blackwater 61, in which six Americans lost their lives.

H.R. 4714 provides the NTSB with the necessary funding and authority to accomplish its critical mission of ensuring the safety of the traveling public.

I urge my colleagues to join me in supporting H.R. 4714.

Sincerely,
JOHN CONyers, Jr., Chairman,

Mr. Speaker, I rise in strong support of the National Transportation Safety Board Reauthorization Act of 2010. As many of my colleagues know, this is a very personal issue to me. I know first-hand what it is like to wait for the conclusion of an NTSB investigation to learn more about the cause of an accident, knowing others many have access to the information about the investigation prior to you. I came out of that experience convinced that more needed to be done to make sure no one gets information before families do. Today, it is my hope that we are one step closer to codifying that common-sense principle into law.

Ms. NORTON. Mr. Speaker, I rise in strong support of the National Transportation Safety Board Reauthorization Act of 2010. This reauthorization, which extends the National Transportation Safety Board’s (NTSB) oversight functions, is particularly important in the wake of the 2009 Metro Red Line train collision near the Fort Totten station here in the nation’s capital, for which the NTSB just issued its final report. A provision in this bill, based on one of my bills, the National Transportation Safety Board Interim Safety Recommendations Act, clarifies that the NTSB may, and should, offer both interim and urgent safety recommendations to federal, state and local transportation authorities. This provision will save lives and does not impede investigations or affect final recommendations.

On June 22, 2009, two Washington Metropolitan Area Transit Authority (WMATA) trains collided near the Fort Totten station here in

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the nation's capital. This collision was devastating for this region and for the nation's transit systems, as nine regional residents died, including seven from the nation's capital. Members of congress and their staff and many other federal employees of every rank form the majority of the weekly riders. Millions of tourists, people who work in every sector and school children are regular riders. The collision has had nation-wide consequences. On September 22, 2010, even before its Metro study was complete, the NTSB issued nine nation-wide safety recommendations to address concerns about the safety of train control systems that use audio frequency track circuits, like those that contributed to the June 22nd train collision here, showing that low-cost recommendations are in order and might save lives.

The NTSB has been particularly vigilant in quickly reporting defects and operational problems to encourage remediation even before its final reports. In 1996, long before the June 22nd collision, the NTSB recommended that WMATA replace or retrofit its 1000-series train cars after a train overran a platform, striking a standing, unoccupied train, and killing the driver of the striking train. The NTSB renewed this recommendation to replace or refurbish the older cars following the rollback accident at Woodley Park Metro Station in 2004, as it should have. The NTSB is not prohibited by statute from making interim recommendations for corrective actions, but low-cost recommendations were not made after any of the Metro accidents. This amendment clarifies that the NTSB does have such authority.

Even before the reasons for the June 22nd crash had been determined, it was evident that the striking car, which was a 1000-series train car, was significantly more damaged than the struck car, which was a newer 6000-series car. In fact, all of the fatalities were from the 1000-series car. Following the collision, the Amalgamated Transit Union Local 689 suggested that WMATA put the 1000-series cars between the newer, more crashworthy 6000-series cars. Unfortunately, without clarification of the regulatory authority provided by the collision, there have been no tests of crashworthiness either of the newer 6000-series cars or of the older 1000-series. However, the evidence from the crash suggests that 40-year-old cars may be more dangerous as lead and rear cars. The NTSB did not disagree with this interim step at a congressional hearing in July 2010, but it never recommended this or any other interim action, except action that is so costly that it cannot occur in a timely manner.

It is a well-known and frustrating fact that, for years, Metro has tried to convince Congress and its local jurisdictions to fund replacements for the old 1000-series cars and only in fiscal year 2010, after the tragic collision, did Congress appropriate the first $150 million of the $1.5 billion authorized in 2007. The 1000-series cars represent only 300 of Metro's 1,100-car fleet, but replacing those cars will cost $600 million and take at least five years. Congress and members of our regional delegation had been working long before the collision to get from Congress the $1.5 billion that has now been authorized for five years. Congress and members of our region have long argued that WMATA's urgent capital and preventive maintenance needs, including new cars. While we have finally been successful in getting the first

$150 million, it will take years to fund these replacements, not to mention other capital needs. Recommendations short of multi-million dollar upgrades and replacements can save lives. My provision requires the NTSB to specifically consider recommending interim and urgent recommendations where appropriate, especially when a federal agency has not secured funds to comply with the costly permanent recommendations.

I ask that my colleagues support this bill. Mr. Oberstar. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. Oberstar) that the House suspend the rules and pass the bill, H.R. 4714, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

STATE ETHICS LAW PROTECTION ACT OF 2010

Mr. Oberstar. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3427) to amend title 23, United States Code, to protect States that have in effect laws or orders with respect to pay to play reform, and for other purposes, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

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 “State Ethics Law Protection Act of 2010”.

SEC. 2. PAY TO PLAY REFORM. Section 112 of title 23, United States Code, is amended by adding at the end the following:

“(b) Pay to Play Reform.—A State transportation department shall not be considered to have violated a requirement of this section solely because the State in which that transportation department is located, or a local government within that State, has in effect a law or an order that limits the amount of money an individual or entity that is doing business with a State or local government with respect to a Federal-aid highway project may contribute to a political party, campaign, or elected official.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. Oberstar) and the gentleman from New Jersey (Mr. LoBiondo) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota

Mr. Oberstar. Mr. Speaker, I yield such as he may consume to the gentleman from Illinois (Mr. Quigley).

Mr. Quigley. Mr. Speaker, now more than ever, we must use every tool at our disposal to fight corruption. My home State of Illinois has made headlines time and again with charges of cronyism, corruption, and waste. Many of these charges involved pay-to-play politics, trading campaign contributions for government contracts.

In 2008, the Illinois General Assembly took a bipartisan stand by passing a bill to eliminate pay-to-play contracting. Amazingly, the Federal Government then told Illinois that it had to back down or risk losing highway funds. The Federal Highway Administration interpreted their competitive bidding requirements to mean that States couldn't weed out corrupt contractors. Clearly the intent of this Chamber when it passed those requirements. That is why I am pleased we are debating this important fix.

H.R. 3427, the State Ethics Law Protection Act, will make it clear that Congress supports the right of States to fight corruption. States like Connecticut, New Jersey, South Carolina, Pennsylvania, and Kentucky have passed laws like Illinois', and others are debating similar bills. They are all aiming at the same bipartisan conclusion: Corruption must be stamped out and pay-to-play made a thing of the past. Our States have shown they are ready for reform. It is now our duty to ensure they have the means to do so.

At this critical juncture, we must do all we can to inspire the trust and confidence of people across the country. After all, without the people's trust, we cannot govern. I wish to thank Chairman Oberstar and the Committee for bringing this bill to the floor and urge my colleagues to support the State Ethics Law Protection Act.

Mr. LoBiondo. Mr. Speaker, I yield myself such time as I may consume.

This is a commonsense good government bill which I support.

I yield back the balance of my time.

Mr. Oberstar. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Illinois stated the case very clearly and thoughtfully, and the gentleman from New Jersey has further underscored the significance of this bill. This legislation makes clear that no State will be considered to have violated the Federal Highway Administration's competitive bidding requirements solely because the State chose to enact an anti-pay-to-play law. The bill would neither require a State to pass anti-pay-to-play nor prohibit a State from doing so. It would not weigh in on the merits of any existing State law. It simply removes what currently functions as a Federal prohibition on some States' efforts to prohibit pay-to-play. As the gentleman from New Jersey said, it is commonsense legislation, and I urge its passage.

Mr. Speaker, I rise today in strong support of H.R. 3427, as amended, the “State Ethics Law Protection Act of 2010”, introduced by the gentleman from Illinois (Mr. Quigley).

This bill aids State efforts to clean up their procurement processes by removing the threat of the loss of Federal-aid highway funds if a State chooses to enact “anti-pay-to-play” reforms.

Specifically, H.R. 3427 provides that a State may not be considered to have violated the
Federal Highway Administration’s (FHWA) competitive bidding requirements solely because of the enactment of a State or local law prohibiting “pay-to-play.”

In an effort to improve State procurement processes, many States have enacted anti-pay-to-play laws that prohibit the use of money that an individual or entity doing business with a State agency may contribute to a political party, campaign, or elected official.

Unfortunately, FHWA has interpreted State anti-pay-to-play laws as potentially conflicting with the competitive bidding requirements that apply to the use of Federal-aid highway funds under title 23 of the United States Code.

As a result of this statutory requirement, FHWA has twice threatened to withhold Federal highway funds from States that enacted anti-pay-to-play laws that applied to contracts on Federal-aid highway projects. The first instance occurred in 2004 in New Jersey. The second occurred last year in Illinois.

The competitive bidding requirements of title 23 are designed to ensure that the lowest qualified bidder is awarded Federal-aid highway contracts. They are not designed to prevent States from conducting procurement under the highest ethical standards. Unfortunately, in some instances, they have had just this effect.

H.R. 3427 addresses this situation by making it clear that no State will be considered to have violated FHWA competitive bidding requirements solely because the State chose to enact an anti-pay-to-play law.

This bill would neither require any State to pass an “anti-pay-to-play” law nor prohibit it from doing so. It would not weigh in on the merits of any existing State law. It would simply remove what currently functions as a Federal prohibition on some States’ efforts to prohibit “pay-to-play.”

I urge my colleagues to join me in supporting H.R. 3427.

I yield back the balance of my time. The SPEAKER pro tempore.

The question is on the motion offered by the gentleman from Minnesota (Mr. Oberstar) that the House suspend the rules and pass the bill, H.R. 3427, as amended.

The question was taken; and (two-thirds being in the affirmative) the table of contents.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 1655

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker’s table the bill, H.R. 3619, with the Senate amendment thereunto, and to have concurred in the Senate amendment with the following amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Coast Guard Authorization Act of 2010.”

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Authorization of appropriations.
Sec. 3. Authorized levels of military strength and training.

TITLE II—COAST GUARD

Sec. 201. Appointment of civilian Coast Guard judges.
Sec. 202. Industrial activities.
Sec. 203. Reimbursement for medical-related travel expenses.
Sec. 204. Constancy to foreigners.
Sec. 205. Coast Guard participation in the Armed Forces Retirement Home (AFRH) system.
Sec. 206. Grants to international maritime organizations.
Sec. 207. Leave retention authority.
Sec. 208. Enforcement authority.
Sec. 209. Repeal.
Sec. 211. Requirement to certify qualified warrant officer to lieutenant program.
Sec. 212. Enhanced status quo officer promotion system.
Sec. 213. Coast Guard vessels and aircraft.
Sec. 214. Coast Guard District Ombudsmen.
Sec. 215. Coast Guard commissioned officers: Compulsory retirement.
Sec. 216. Enforcement of coastwise trade laws.
Sec. 217. Report on sexual assaults in the Coast Guard.
Sec. 218. Home port of Coast Guard vessels in Guam.
Sec. 219. Supplemental positioning system.
Sec. 220. Assistance to foreign governments and maritime authorities.
Sec. 221. Coast guard housing.
Sec. 222. Child development services.
Sec. 223. Coast Guard Ombudsmen.
Sec. 224. Coast Guard cross; silver star medal.

TITLE III—SHIPPING AND NAVIGATION

Sec. 301. Seaward extension of anchorage state jurisdiction.
Sec. 302. Maritime Drug Law Enforcement Act amendment—simple possessors.
Sec. 303. Technical amendments to tonnage measurement law.
Sec. 304. Merchant mariner document standards.
Sec. 305. Ship emission reduction technology demonstration project.
Sec. 306. Phaseout of vessels supporting oil spill response.
Sec. 307. Arctic marine shipping assessment implementation.

TITLE IV—ACQUISITION REFORM

Sec. 401. Chief Acquisition Officer.
Sec. 402. Acquisitions.
Sec. 403. National Security Cutters.
Sec. 404. Acquisition workforce expedited hiring authority.

TITLE V—COAST GUARD MODERNIZATION

Sec. 501. Short title.
Subtitle A—Coast Guard Leadership
Sec. 511. Vice admirals.
Subtitle B—Workforce Expertise
Sec. 521. Prevention and response staff.

Sec. 522. Marine safety mission priorities and long-term goals.
Sec. 523. Powers and duties.
Sec. 524. Appeals and waivers.
Sec. 525. Coast Guard Academy.
Sec. 526. Report regarding civilian marine inspectors.

TITLE VI—MARINE SAFETY

Sec. 601. Short title.
Sec. 602. Vessel size limits.
Sec. 603. Cold weather survival training.
Sec. 604. Fishing vessel safety.
Sec. 605. Mariner records.
Sec. 606. Delegation of exemption of license requirement for operators of certain towing vessels.
Sec. 607. Log books.
Sec. 608. Safe operations and equipment standards.
Sec. 609. Approval of survival craft.
Sec. 610. Safety management.
Sec. 611. Protection against discrimination.
Sec. 612. Oil fuel tank protection.
Sec. 613. Oaths.
Sec. 614. Duration of licenses, certificates of registry, and merchant mariners’ documents.
Sec. 615. Authorization to extend the duration of licenses, certificates of registry, and merchant mariners’ documents.
Sec. 616. Merchant mariner assistance report.
Sec. 617. Offshore supply vessels.
Sec. 618. Associated equipment.
Sec. 619. Lifesaving devices on uninspected vessels.
Sec. 620. Study of blended fuels in marine application.
Sec. 621. Renewal of advisory committees.
Sec. 622. Delegation of authority.

TITLE VII—OIL POLLUTION PREVENTION

Sec. 701. Rulemakings.
Sec. 702. Oil transfers from vessels.
Sec. 703. Improvements to reduce human error and near miss incidents.
Sec. 704. Olympic Coast National Marine Sanctuary.
Sec. 705. Prevention of small oil spills.
Sec. 706. Improved coordination with tribal governments.
Sec. 707. Report on availability of technology to detect the loss of oil.
Sec. 708. Use of oil spill liability trust fund.
Sec. 709. International efforts on enforcement.
Sec. 710. Higher volume port area regulatory definition change.
Sec. 711. Tug escorts for laden oil tankers.
Sec. 712. Extension of financial responsibility.
Sec. 713. Liability for use of single-hull vessels.

TITLE VIII—PORT SECURITY

Sec. 801. America’s Waterway Watch Program.
Sec. 802. Transportation Worker Identification Credential.
Sec. 803. Interagency operational centers for port security.
Sec. 804. Deployable, specialized forces.
Sec. 805. Coast Guard detection canine team program expansion.
Sec. 806. Coast Guard port assistance Program.
Sec. 807. Maritime biometric identification.
Sec. 808. Pilot Program for fingerprinting of maritime workers.
Sec. 809. Transportation security cards on vessels.
Sec. 810. Maritime Security Advisory Committees.
Sec. 811. Seamen’s shore side access.
Sec. 812. Waterside security of especially hazardous cargo.
Sec. 813. Review of liquefied natural gas facilities.
Sec. 814. Use of secondary authentication for transportation security cards.

Sec. 815. Assessment of transportation security card enrollment sites.

Sec. 816. Assessment of the feasibility of efforts to mitigate the threat of small boat attack in major ports.

Sec. 817. Report and recommendation for uniform security background checks.

Sec. 818. Transportation security cards: access pending issuance; deadlines for processing; receipt.

Sec. 819. Harmonizing security card expiration dates and other requirements.

Sec. 820. Clarification of rulemaking authority.

Sec. 821. Port security training and certification.

Sec. 822. Integration of security plans and systems with local port authorities, State harbor divisions, and law enforcement agencies.

Sec. 823. Transportation security cards.

Sec. 824. Pre-positioning interoperable communications equipment at interagency operational centers.

Sec. 825. International port and facility inspection coordination.

Sec. 826. Area transportation security incident mitigation plan.

Sec. 827. Risk-based resource allocation.

Sec. 828. Port security zones.

TITeL IX—MISCELLANEOUS PROVISIONS

Sec. 901. Waivers.

Sec. 902. Crew wages on passenger vessels.

Sec. 903. Technical corrections.

Sec. 904. Manning requirement.

Sec. 905. Study of bridges over navigable waters.

Sec. 906. Limitation on jurisdiction of States to tax certain seamen.

Sec. 907. Land conveyance, Coast Guard property in Marquette County, Michigan, to the City of Marquette, Michigan.

Sec. 908. Mission requirement analysis for navigable portions of the Rio Grande River, Texas, international water boundary.

Sec. 909. Coast Guard oversight of Coast Guard property in Cheboygan, Michigan.

Sec. 910. Alternative licensing program for operators of uninspected passenger vessels on Lake Texoma in Texas and Oklahoma.

Sec. 911. Strategy regarding drug trafficking vessels.

Sec. 912. Use of camera against piracy.

Sec. 913. Technical amendments to chapter 313 of title 46, United States Code.

Sec. 914. Conveyance of Coast Guard vessels for public purposes.

Sec. 915. Assessment of certain aids to navigation and traffic flow.

Sec. 916. Frenel Lens from Presque Isle Light Station in Presque Isle, Michigan.

Sec. 917. Maritime law enforcement.

Sec. 918. Maritime law enforcement.

Sec. 919. Capital investment plan.

Sec. 920. Compliance provision.

Sec. 921. Conveyance of Coast Guard property in Portland, Maine.

TITeL IX—CLEAN HULLS

Subtitle A—General Provisions

Sec. 1001. Definitions.

Sec. 1002. Covered vessels.

Sec. 1003. Administration and enforcement.

Sec. 1004. Compliance with international law.

Sec. 1005. Utilization of personnel, facilities or equipment of other Federal departments and agencies.

Subtitle B—Implementation of the Convention

Sec. 1021. Certificates.

Sec. 1022. Declaration.

Sec. 1023. Other compliance documentation.

Sec. 1024. Process for considering additional controls.

Sec. 1025. Scientific and technical research and development; communication and information.

Sec. 1026. Communication and exchange of information.

Subtitle C—Prohibitions and Enforcement

Sec. 1031. Prohibitions.

Sec. 1032. Investigations and inspections by Secretary.

Sec. 1033. EPA enforcement.

Sec. 1034. Additional authority of the Administrator.

Subtitle D—Action on Violation, Penalties, and Referrals

Sec. 1041. Criminal enforcement.

Sec. 1042. Civil enforcement.

Sec. 1043. Liability in rem.

Sec. 1044. Vessel clearance or permits; refusal or revocation; bond or other surety.

Sec. 1045. Warnings, detentions, dismissals, exclusion.

Sec. 1046. Refer for appropriate action by foreign country.

Sec. 1047. Remedies not affected.

Sec. 1048. Repeal.

TITeL I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2011 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, $6,970,681,000 of which $23,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, reconstruction, re-building, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,646,000,000, of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, to remain available until expended;

(B) $1,233,502,000 is authorized for the Integrated Deepwater System Program; and

(C) $100,000,000 is authorized for shore facilities and aids to navigation.

(3) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard’s mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $28,034,000, to remain available until expended, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman’s Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and dependents, $6,570,000,000, of which—

(A) $4,200,000,000 is derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(5) For medical care of retired personnel and dependents, $1,600,000,000, of which—

(A) $1,300,000,000 is derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(6) For environmental compliance and restoration of Coast Guard facilities (other than those equipment and associated with operation and maintenance), $13,329,000, to remain available until expended.

(7) For the Coast Guard Reserve program, including personnel and administrative costs, equipment, and services, $355,675,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY PERSONNEL STRENGTH AND TRAINING.

(a) ACTIVE DUTY PERSONNEL.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 47,000 for the fiscal year ending on September 30, 2011.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2011, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 165 student years.

(3) For all other personnel training, 330 student years.

(4) For officer acquisition, 1,200 student years.

TITeL II—COAST GUARD

SEC. 201. APPOINTMENT OF CIVILIAN COAST GUARD JUDGES.

(a) IN GENERAL.—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

“§ 153. Appointment of judges

“The Secretary may appoint civilian employees of the department in which the Coast Guard is operating as appellate military judges, available for assignment to the Coast Guard Court of Criminal Appeals as provided for in section 866(a) of title 10.”

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

“(b) Orders and Agreements for Industrial Activities.—Under this section, the Secretary of the Navy may enter into agreements with establishments, agencies, and departments of the Department of Defense and the Department of Homeland Security.”.

SEC. 202. REIMBURSEMENT FOR MEDICAL-RELATED TRAVEL EXPENSES.

(a) IN GENERAL.—Chapter 703 of title 14, United States Code, is amended by adding at the end the following:

“§ 518. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States

“In any case in which a covered beneficiary is defined in section 1072(g)(5) of title 10 resides on an island that is located in the 48 contiguous States and the District of Columbia and that lacks public access roads to the mainland and is referred to a primary care physician to a specialty care provider (as defined in section 1074(b) of title 10) on the mainland who provides services less than 100 miles from the location where the covered beneficiary resides, the Secretary shall reimburse the reasonable travel expenses of the covered beneficiary and, when accompanied by an adult in the care of such a patient or guardian of the covered beneficiary or another member of the covered beneficiary’s family who is at least 21 years of age.”

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:
§ 42. Number and distribution of commissioned officers on active duty promotion list

(a) MAXIMUM TOTAL NUMBER.—The total number of Coast Guard commissioned officers on active duty promotion list, including warrant officers, shall not exceed 7,200; except that the Commandant may temporarily increase that number by up to 2 percent in any quarter of any year to a total not exceeding an amount equal to 90 days following the date of the commissioning of a Coast Guard Academy class.

(b) DISTRIBUTION PERCENTAGES BY GRADE.—

(1) REQUIRED.—The total number of commissioned officers authorized by this section shall be distributed in grade in the following percentages: 0.375 percent for rear admiral (lower half); 6.0 percent for captain; 15.0 percent for commodore; and 22.0 percent for lieutenant commodore.

(2) DISCRETIONARY.—The Secretary shall prescribe the percentages applicable to the grades of lieutenant, junior grade and ensign.

(3) AUTHORITY OF SECRETARY TO REDUCE PERCENTAGE.—The Secretary—

(A) may reduce, as the needs of the Coast Guard require, any of the percentages set forth in paragraph (1); and

(B) shall apply that total percentage reduction to any other lower grade or combination of lower grades.

(c) COMPUTATIONS.—

(1) IN GENERAL.—The Secretary shall compute, at least once each year, the total number of commissioned officers authorized to serve in each grade by applying the grade distribution percentages established by or under this section to the total number of commissioned officers listed on the current active duty promotion list.

(2) ROUNDING FRACTIONS.—Subject to subsection (a), in making the computations under this subsection (1), any fractions shall be rounded to the nearest whole number.

(3) TREATMENT OF OFFICERS SERVING OUTSIDE GUIDELINES.—If the number of commissioned officers on the active duty promotion list below the rank of rear admiral (lower half) serving with other Federal departments or agencies on a reimbursable basis or excluded under section 324(d) of title 49 shall not be counted against the total number of commissioned officers authorized to serve in each grade.

(4) USE OF NUMBERS: TEMPORARY INCREASES.—The numbers resulting from computations under subsection (c) shall be, for all purposes, the authorized number in each grade; except that the authorized number for a grade is temporarily increased during the period between one computation and the next by the number of officers originally appointed in that grade during that period and the number of officers of that grade for whom vacancies exist in the next higher grade but whose promotion has been delayed for any reason.

(e) OFFICERS SERVING COAST GUARD ACADEMY AND RESERVE.—The number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy and of the Reserve serving in connection with the performance of their duties, recruiting, instructing, or training the reserve components shall be prescribed by the Secretary.

§ 426. Emergency leave retention authority

(a) IN GENERAL.—A duty assignment for an active duty member of the Coast Guard in support of a declaration of a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in response to—

(1) SPILL OF NATIONAL SIGNIFICANCE.—The term ‘spill of national significance’ means a discharge of oil or a hazardous substance that is specified by the Commandant to be a spill of national significance.

(2) DISCHARGE.—The term ‘discharge’ has the meaning given that term in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)."

(b) CEREMONIAL.—The analysis for such chapter is amended by inserting after the item relating to section 425 the following:

§ 426. Emergency leave retention authority.

§ 99. Enforcement authority

Subject to guidelines approved by the Secretary, members of the Coast Guard, in the performance of official duties, may—

(1) carry a firearm; and

(2) while at a facility (as defined in section 70101 of title 46) make an arrest without warrant for any offense against the United States committed in their presence; and

(B) seize property as otherwise provided by law.

CONFORMING REPEAL.—Section 70117 of title 46, United States Code, and the item relating to such section in the analysis at the beginning of chapter 701 of such title, are repealed.

(c) CLERICAL AMENDMENT.—(1) Paragraph (4) of section 70104 of title 46, United States Code, is amended by adding at the end the following:

(5) An armed arrest for the purposes of acquiring information or security, safety, environmental protection, classification, and national security, or flag state law enforcement or oversight.

SEC. 209. REPEAL.

Section 216 of title 14, United States Code, and the item relating to such section in the analysis for chapter 11 of such title, are repealed.

SEC. 210. MERCHANT MARINER MEDICAL ADVISORY COMMITTEE.

(a) IN GENERAL.—Chapter 71 of title 46, United States Code, is amended by adding at the end the following new section:

§ 7115. Merchant Mariner Medical Advisory Committee

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a Merchant Mariner Medical Advisory Committee (in this section referred to as ‘the Committee’).

(2) FUNCTIONS.—The Committee shall advise the Secretary on matters relating to—

(A) medical certification determinations for issuance of licences, certificates of registry, and merchant mariners’ documents; medical standards and guidelines for the physical qualifications of operators of commercial vessels;

(C) medical examiner education; and

(D) medical research.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall consist of 14 members, none of whom is a Federal employee, and shall include—

(A) ten who are health-care professionals with particular expertise, knowledge, or experience regarding the medical examinations of merchant mariners or occupational medicine; and

(B) four who are professional mariners with knowledge and experience in maritime occupational requirements.

(2) STATUTORY MEMBERS.—Members of the Committee shall not be considered Federal employees or otherwise in the service of the Federal Government, except that members shall be considered special Government employees, as defined in section 2802(a) of title 18, United States Code, and shall be subject to any administrative standards of conduct applicable to the employees of the department in which the Coast Guard is operating.

(3) APPOINTMENTS; TERMS; VACANCIES.—

(a) APPOINTMENTS.—The Secretary shall appoint the members of the Committee, and each member shall serve at the pleasure of the Secretary.

(b) TERMS.—Each member shall be appointed for a term of five years, except that,
of the members first appointed, three members shall be appointed for a term of two years.

(3) Vacancies.—Any member appointed to fill the position of an officer whose term is not completed may be appointed to fill the remainder of that term.

(d) Chairmanship.—The Vice Chairman of the Committee shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

(e) Compensation; Reimbursement.—Members of the Committee shall serve without compensation, except that, while engaged in the performance of duties away from their homes or regular places of business of the member, the member of the Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

(f) Staff; Services.—The Secretary shall furnish to the Committee the personnel and sources of the Committee established by the amendment made by this section shall hold its first meeting.

SEC. 211. Reserve Commissioned Warrant Officer to Lieutenant Program.
Section 211(a) of title 14, United States Code, is amended to read as follows:

"(a) The Secretary may appoint temporary commissioned officers—

"(1) in the Regular Coast Guard in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers, warrant officers, and enlisted members of the Coast Guard Reserve, and brevet holders of licenses issued under chapter 71 of title 71, and

"(2) in the Coast Guard Reserve in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers of the Coast Guard Reserve.

SEC. 212. Enhanced Status Quo Officer Promotion System.
Chapter 11 of title 14, United States Code, is amended to read as follows:

"(A) by inserting "and" after "considered,"; and

"(B) by striking ", and the number of officers the board may recommend for promotion"; and

"(2) in section 258—

"(A) by inserting "or" after striking the colon at the end of the material noted in specific direction furnished to the board by the Secretary under section 258 of this title;"; and

"(3) by adding at the end the following:

"(3) any other vessel or aircraft on government noncommercial service when—

"(A) the vessel or aircraft is under the tactical control of the Coast Guard; and

"(B) at least one member of the Coast Guard is assigned and conducting a Coast Guard mission on the vessel or aircraft.

"(b) Authority to Display Coast Guard Ensigns and Pennants.—Section 638(a) of title 14, United States Code, is amended by striking "must" and inserting "may" and inserting "Vessels and aircraft authorized by the Secretary".

SEC. 213. Coast Guard Vessels and Aircraft.
(a) Authority To Fire At or Into a Vessel.—Section 637(c) of title 14, United States Code, is amended by—

"(1) in paragraph (1), by striking "or" and inserting a semicolon;

"(2) in paragraph (2), by striking the period at the end of such paragraph and inserting at the end the following:

"(3) any other vessel or aircraft on government noncommercial service when—

"(A) the vessel or aircraft is under the tactical control of the Coast Guard; and

"(B) at least one member of the Coast Guard is assigned and conducting a Coast Guard mission on the vessel or aircraft.

(b) Authority To Display Coast Guard Ensigns and Pennants.—Section 638(a) of title 14, United States Code, is amended by striking "must" and inserting "may" and inserting "Vessels and aircraft authorized by the Secretary".

SEC. 214. Coast Guard District Ombudsmen.
(a) In General.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 55. District Ombudsmen

"(a) In General.—The Commandant shall appoint in each Coast Guard District a District Ombudsman to serve as a liaison between ports, terminal operators, shipowners, and labor representatives and the Coast Guard.

"(b) Purpose.—The purpose of the District Ombudsman shall be the following:

"(1) To provide for the enforcement of the Coast Guard in each port in the District for which the District Ombudsman is appointed.

"(2) To improve communications between and among stakeholders including, port and terminal operators, ship owners, labor representatives, and the Coast Guard.

"(3) To seek to resolve disputes between the Coast Guard and all petitioners regarding requirements imposed or services provided by the Coast Guard.

"(c) Functions.—

"(1) Complaints.—The District Ombudsman may examine complaints brought to the attention of the District Ombudsman by a petitioner operating in a port or by Coast Guard personnel.

"(2) Guidelines for disputes.—

"(A) In General.—The District Ombudsman shall develop guidelines regarding the processing of complaints with respect to which the District Ombudsman will provide assistance.

"(B) Limitation.—The District Ombudsman shall not provide assistance with respect to the in a manner that has a significant impact on Coast Guard requirements on port business and the flow of commerce.

"(C) Priority.—In providing such assistance, the District Ombudsman shall give priority to complaints brought by petitioners who believe they will suffer a significant impact as the result of implementing a Coast Guard requirement or being denied a Coast Guard service.

"(D) Consultation.—The District Ombudsman shall consult with any Coast Guard personnel who can aid in the investigation of a complaint.

"(E) Access to Information.—The District Ombudsman shall have access to any Coast Guard document, including any record or report, that will aid the District Ombudsman in obtaining the information needed to conduct an investigation based on a complaint.

"(F) Reports.—At the conclusion of an investigation, the District Ombudsman shall submit a report on the findings and recommendations of the District Ombudsman, to the Commander of the District in which the petitioner who brought the complaint is located or operating.

"(G) Appointment.—The Commandant shall appoint as the District Ombudsman an individual who has experience in port and transportation systems and knowledge of port operations or of maritime commerce (or both).

"(H) Annual Reports.—The Secretary shall report annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the matters brought before the District Ombudsmen.

"(I) The number of matters brought before each District Ombudsman;

"(J) the number and type of complaints by District Ombudsman;

"(K) the number of matters brought before each District Ombudsman;

"(L) a brief summary of each such matter;

"(M) the potential remedies used to resolve such matters;

"(N) the ultimate resolution of each such matter;

"(O) an analysis of whether the District Ombudsman is acting in a timely fashion; and

"(P) any other guidance that the Secretary considers appropriate.

"(b) Clerical Amendment.—The analysis at the beginning of that chapter is amended by adding at the end the following new section:

"§ 293. Compulsory Retirement

"(a) In General.—Any regular commissioned officer, except a commissioned warrant officer, serving in a grade below rear admiral (lower half) shall be retired on the first day of the month following the month in which the officer becomes 62 years of age.

"(b) Flag-Officer Grades.—(1) Except as provided in paragraph (2), any regular commissioned officer serving in a grade of rear admiral (lower half) or above shall be retired on the first day of the month following the month in which the officer becomes 64 years of age.

"(2) The retirement of an officer under paragraph (1) may be deferred—

"(A) by the President, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 62 years of age; or

"(B) by the Secretary of the department in which the Coast Guard is operating, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 64 years of age.

"(B) Clerical Amendment.—The analysis at the beginning of such chapter is amended by
striking the item relating to such section and inserting the following:

“293. Compulsory retirement.

SEC. 216. ENFORCEMENT OF COASTWISE TRADE LAWS.

(a) In General.—Chapter 5 of title 14, United States Code, is further amended by adding at the end the following:

“§ 100. Enforcement of coastwise trade laws

“Officers and members of the Coast Guard are authorized to enforce chapter 551 of title 46. The Secretary shall establish a program for these officers and members to enforce that chapter.

(b) Clerical Amendment.—The analysis for that chapter is further amended by adding at the end the following:

“100. Enforcement of coastwise trade laws.”

(c) Report.—The Secretary of the department in which the Coast Guard is operating shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Senate Committee on Commerce, Science, and Transportation within one year after the date of enactment of this Act on the enforcement strategies and enforcement actions taken to enforce the coastwise trade laws.

SEC. 217. REPORT ON SEXUAL ASSAULTS IN THE COAST GUARD.

(a) In General.—Not later than January 15 of each year, the Commandant of the Coast Guard shall submit a report to the Congress on the sexual assaults involving members of the Coast Guard to the Committee on Transportation and Infrastructure of the House of Representatives and the Senate Committee on Commerce, Science, and Transportation.

(b) Contents.—The report required under subsection (a) shall contain the following:

(1) The number of sexual assaults against members of the Coast Guard, and the number of sexual assaults by members of the Coast Guard, that were reported to military officials during the year covered by such report, and the number of the cases so reported that were substantiated.

(2) A synopsis of, and the disciplinary action taken to substantiate, each case.

(3) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to such sexual assault involving members of the Coast Guard concerned.

(4) A plan for the actions that are to be taken in the year following the year covered by such report to prevent or deter sexual assault involving members of the Coast Guard concerned.

SEC. 218. HOME PORT OF COAST GUARD VESSELS IN GUAM.

Section 96 of title 14, United States Code, is amended—

(1) by striking “a State of the United States” and inserting “the United States or Guam”; and

(2) by inserting “or Guam” after “outside the United States”.

SEC. 219. SUPPLEMENTAL POSITIONING SYSTEM.

Not later than 180 days after date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating in consultation with the Commandant of the Coast Guard shall conclude their study of whether a single, domestic system is needed as a backup to the global positioning system to the Global Positioning System and notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the results of such determination.

SEC. 220. ASSISTANCE TO FOREIGN GOVERNMENTS AND MARITIME AUTHORITY.

Section 149 of title 14, United States Code, as amended by section 206, is further amended by adding at the end the following:

“(d) Authorized activities.—

(1) The Commandant may use funds for—

(A) the activities of traveling contact teams, including any transportation expense, translation services expense, or administrative expense that is related to such activities;

(B) the activities of maritime authority liaison teams of foreign governments, including any transportation expense, translation services expense, or administrative expense that is related to such activities;

(C) seminars and conferences involving members of maritime authorities of foreign governments;

(D) distribution of publications pertinent to engagement with maritime authorities of foreign governments; and

(E) personnel expenses for Coast Guard civil and military personnel to the extent that those expenses relate to participation in an activity described in subparagraph (C) or (D).

(2) An activity may not be conducted under this subsection with a foreign country unless the Secretary of State approves the conduct of such activity in that foreign country.

SEC. 221. COAST GUARD HOUSING.

(a) In General.—Chapter 18 of title 14, United States Code, is amended—

(1) in section 680—

(A) by striking paragraphs (1), (2), and (3) and inserting the following new paragraphs:

“(1) The term ‘construct’ means to build, renovate, or improve military family housing and military unaccompanied housing.

“(2) The term ‘construction’ means building, renovating, or improving military family housing and military unaccompanied housing.

(B) in paragraph (1), by striking “exercise any authority or any combination of authorities provided under this chapter in such a manner that the application of or obligation to comply with any environmental law, including section 106(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(h)).”;

(2) in section 687—

(A) in subsection (b)—

(i) in paragraph (2), by striking ‘unaccompanied’ and inserting ‘or military unaccompanied’;

(ii) in paragraph (3)—

(I) by striking ‘or lease’;

(II) by striking ‘or facilities’; and

(III) by striking ‘military family and’ and inserting ‘military family housing and’;

and

(iii) by repealing paragraph (4);

(B) in subsection (c), by striking paragraph (1) to read as follows:

(1) In such amounts as provided in appropriations Acts, and except as provided in subsection (d), the Secretary may use amounts in the Coast Guard Housing Fund to carry out activities under this chapter with respect to military family housing and military unaccompanied housing, including—

(A) the planning, execution, and administration of the conveyance of real property;

(B) all necessary expenses, including expenses for environmental compliance and restoration, to prepare real property for conveyance; and

(C) the conveyance of real property.

(c) In subsection (e) by striking (b) and inserting (b)’’;

(d) by repealing paragraphs (1) and (g);

(7) by repealing 686a;

(8) by amending section 688 to read as follows:

“688. Reports

The Secretary shall prepare and submit to Congress, concurrent with the budget submitted pursuant to section 1105 of title 31, a report identifying the contracts or agreements for the conveyance of properties pursuant to this chapter executed during the prior calendar year.”;

and

(9) by repealing section 689.

(b) Savings Clause.—This section shall not affect any action taken prior to the date of enactment of this Act.

(c) Clerical Amendment.—The chapter analysis at the beginning of such chapter is amended—

(1) by striking the items relating to sections 682, 683, 684, 686, 687a, and 688;

and

(2) by amending the item relating to section 685 to read as follows:

“685. Conveyance of real property.”

SEC. 222. CHILD DEVELOPMENT SERVICES.

Section 315 of title 14, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

“(b) The Commandant is authorized to use appropriated funds available to the Coast Guard to provide child development services.

(2) A The Commandant is authorized to establish, pursuant to regulations, fees to be charged parents for the attendance of children at Coast Guard child development centers.

(c) Fees to be charged, pursuant to subparagraph (A), shall be based on family income, except that the Commandant may, on a case-by-case basis, establish fees at lower rates if such rates would not be competitive with rates at local child development centers.

SEC. 223. FUNDING FOR COAST GUARD AMENDMENTS.

This Act shall be implemented—

(1) by striking “$150,000,000” in the table of statutes and judicial decisions accompanying the United States Code, for the fiscal year beginning in the year 2010, under title 14, United States Code, and inserting “$155,000,000”;

and

(2) by striking “$150,000,000” in the table of statutes and judicial decisions accompanying the United States Code, for the fiscal year beginning in the year 2011, under title 14, United States Code, and inserting “$160,000,000”.

This Act shall be implemented...
“(C) The Commandant is authorized to collect and expend fees, established pursuant to this subparagraph, and such fees shall, without further appropriation, remain available until expended for the purpose of providing services, including the compensation of employees and the purchase of consumable and disposable items, at Coast Guard child development centers.

“(3) The Commandant is authorized to use appropriated funds available to the Coast Guard to provide assistance to family home daycare providers so that family home daycare services can be provided to uniformed service members and civilian employees of the Coast Guard at a cost comparable to the fees provided by Coast Guard child development centers.”.

“§ 492. Silver star medal

“The President may award a silver star medal of appropriate design, with ribbons and appurtenances, to a person who, while serving with the United States Coast Guard, when the Coast Guard is not operating under the Department of the Navy, is cited for gallantry in action that does not warrant a medal of honor or Coast Guard cross—

“(1) while engaged in an action against an enemy of the United States;

“(2) while engaged in military operations involving conflict with an opposing foreign force or international terrorist organization;

“(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.”.

(c) Simple Possession.

“(1) In general.—Any individual on a vessel subject to the jurisdiction of the United States who is found by the Secretary, after the Secretary has made the opportunity for a hearing, to have knowingly or intentionally possessed a controlled substance within the meaning of the Controlled Substances Act (21 U.S.C. 812) is liable to the United States for a civil penalty of not to exceed $5,000 for each violation. The Secretary shall notify the individual in writing of the amount of the civil penalty.

“(2) Determination of amount.—In determining the amount of the penalty, the Secretary shall consider the nature, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

“(3) Treatment of civil penalty assessment.—Assessment of a civil penalty under this subsection shall not be considered a conviction for purposes of State or Federal law but may be considered proof of possession if such a determination is relevant.”.

§ 500. Technical Amendments to Tonnage Measurement Law.

(a) Definitions.—Section 14101(4) of title 46, United States Code, is amended—

“(2) In this subsection, the term ‘vessel’ includes all waters of the territorial sea of the United States and not a belligerent party.”.


Section 7 of the Rivers and Harbors Appropriations Act of 1915 (33 U.S.C. 411) is amended—

“(2) in paragraph (2), by striking ‘‘$100; and the’’ and inserting ‘‘Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,’’; and

“(3) in subparagraph (B), by striking ‘‘distinguished service medal, distinguished flying cross,’’; and

“(4) by redesignating subsections (d) and (e); and

“(5) by redesignating paragraph (6) as paragraph (7); and

“(6) by striking ‘‘Coast Guard child development centers.’’;

“(3) TITLE III—Shipping and Navigation

SEC. 301. SEАWАRD EXTENSION OF ANCHORAGE GROUNDS JURISDICTION.

Section 7 of the Rivers and Harbors Appropriations Act of 1915 (33 U.S.C. 411) is amended—

“(2) in paragraph (2), by striking the period at the end and inserting ‘‘that arrives’’;

“(3) in subparagraph (B), by striking ‘‘that departs’’; and

“(4) by redesignating subparagraphs (d) and (e).
(5) in subsection (c), as redesignated, by striking “After July 18, 1949, an existing vessel (except an existing vessel referred to in subsection (b)(5)(A) or (B) of this section) and inserting “An existing vessel that has not undergone a change that the Secretary finds substantially affects the vessel’s gross tonnage (or a vessel to which IMO Resolutions (XII) of November 19, 1981, A.541 (XIII) of November 17, 1983, or A.541 (XIII) of November 17, 1983, apply)”;

(d) MEASUREMENT.—Section 14302(b) of that title is amended by striking the item relating to measurement and certificate of a vessel of that foreign country as complying with this chapter and the regulations prescribed under this chapter.”;

(i) CERFICAL AMENDMENT.—The analysis for subsection (b) of section 14514 of such title is amended by adding at the end the following: “14514. Reciprocity for foreign vessels.”

SEC. 304. MERCHANT MARiner DOCUMENT (b) A vessel measured under this chapter may not be required to be measured under another law.”

(2) amending by striking the item relating to measurement and certificate of a vessel of that foreign country as complying with this chapter and the regulations prescribed under this chapter.”;

(f) Tonnage Certificate.—(1) ISSUANCE.—Section 14303 of that title is amended—

(A) in subsection (a), by adding at the end the following:

“(b) A vessel measured under this chapter may not be required to be measured under another law.”;

(B) in subsection (b), by inserting “issued under this section after “certificate”; and

(C) in section heading by striking “International” and “(1969)”;

(2) MAINTENANCE.—Section 14503 of that title is amended—

(A) by designating the existing text as subsection (a); and

(B) by adding at the end the following new subsection:

“(b) The certificate shall be maintained as required by the Secretary.”;

(3) CERFICAL AMENDMENT.—The analysis at the beginning of chapter 145 of that title is amended by striking the item relating to section 14503 and inserting the following:

“14303. Tonnage Certificate.”;

(f) OPTIONAL REGULATORY MEASUREMENT.—Section 14505(a) of that title is amended by striking “vessel measured under this chapter,” and inserting “vessel measured under this chapter that is of United States registry or nationality, or a vessel operated under the authority of the United States.”;

(g) APPLICATION.—Section 14501 of that title is amended—

(1) by amending paragraph (1) to read as follows:

“(1) A vessel not measured under chapter 145 of that title, or an application of the International Maritime Organization or other law of the United States to the vessel depends on the vessel’s tonnage.”; and

(2) by amending subsection (b) by inserting “vessel” and inserting “A vessel.”;

(d) DUAL TONNAGE MEASUREMENT.—Section 14513(u) of that title is amended—

(1) in paragraph (1)—

(A) by striking “vessel’s tonnage mark is below the uppermost part of the load line marks,” and inserting “vessel is assigned two sets of load lines and tonnages under this section,”; and

(B) by inserting “vessel’s tonnage” before “mark” the second place such term appears; and

(2) in paragraph (2), by striking the period at the end and inserting “as assigned under this section.”

*14514. Reciprocity for foreign vessels

For a foreign vessel not measured under chapter 145 of that title, or an application of the International Maritime Organization or other law of the United States to the vessel depends on the vessel’s tonnage, the Secretary shall measure and certify a vessel of that foreign country as complying with this chapter and the regulations prescribed under this chapter.”;

(i) CERFICAL AMENDMENT.—The analysis for subsection (b) of section 14514 of such title is amended by adding at the end the following: “14514. Reciprocity for foreign vessels.”

SEC. 306. SHIP EMISSION REDUCTION TECHNOLOGY DEMONSTRATION PROJECT

(a) Study.—The Commandant of the Coast Guard, in conjunction with the Administrator of the Environmental Protection Agency, shall conduct a study—

(1) that the Commandant shall carry out a study and make a demonstration of new applications of existing technology for reducing air emissions from cargo or passenger vessels that operate in United States waters and ports; and

(2) that identifies the impediments, including any laws or regulations, to demonstrating the technology identified in paragraph (1).”

(b) REPORT.—Within 180 days after the date of enactment of this Act, the Commandant shall submit a report on the results of the study conducted under this section to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives, the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate.

SEC. 307. ARCTIC MARINE SHIPPING ASSESSMENT IMPLEMENTATION

(a) PURPOSE.—The purpose of this section is to ensure safe and secure maritime shipping in the Arctic including the availability of aids to navigation, vessel escorts, spill response capability, and maritime search and rescue in the Arctic.

(b) INTERNATIONAL MARITIME ORGANIZATION AGREEMENTS.—To carry out the purpose of this section, the Secretary of the department in which the Coast Guard is operating is encouraged to enter into negotiations through the International Maritime Organization to conclude and execute agreements to promote coordinated action among the United States, Russia, Canada, Iceland, Norway, and Denmark and other seafaring and Arctic nations to ensure, in the Arctic—

(1) placement and maintenance of aids to navigation;

(2) appropriate marine safety, tug, and salvage capabilities;

(3) oil spill prevention and response capability;

(4) maritime domain awareness, including long-range vessel tracking; and

(5) search and rescue.

(c) COORDINATION BY COMMITTEE ON THE MARITIME TRANSPORTATION SYSTEM.—The Committee on the Maritime Transportation System established under a directive of the President in the Ocean Action Plan, issued December 17, 2004, is encouraged to establish a binding agreement to employ a suitable vessel documented or to be documented under 12111(d) of title 46, United States Code, and suitable vessels are employed in support of such operations.

(d) AGREEMENTS AND CONTRACTS.—The Secretary of the department in which the Coast Guard is operating may, subject to the availability of appropriations, enter into appropriate cooperative agreements, contracts, or other agreements with, or make grants to individuals

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and governments to carry out the purpose of this section or any agreements established under subsection (b).

(e) ICHERRAIKING.—The Secretary of the department in which the Coast Guard is operating shall promote safe maritime navigation through icebreaking whenever necessary, feasible, and effective to carry out the purposes of this section.

(f) INDEPENDENT ICE BREAKER ANALYSES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall require a non-governmental, independent third party (other than the National Academy of Sciences) that has extensive experience in the analysis of military procurements to—

(A) conduct a comparative cost-benefit analysis, taking into account future Coast Guard budget projections (which assume Coast Guard budget growth of no more than inflation) and other recapitalization needs, of—

(i) rebuilding, renovating, or improving the existing fleet of polar icebreakers for operation by the Coast Guard;

(ii) constructing new polar icebreakers by the National Science Foundation for operation of the Polar Star;

(iii) constructing new polar icebreakers by the National Science Foundation for operation by the Foundation; and

(v) any combination of the activities described in clause (i), (ii), (iii), or (iv) to carry out the missions of the Coast Guard and the National Science Foundation; and

(B) conduct a comprehensive analysis of the impact on all Coast Guard activities, including operations, maintenance, procurements, and end strength, of the acquisition of polar icebreakers described in subparagraph (A) by the Coast Guard or the National Science Foundation assuming that total Coast Guard funding will not increase more than the annual rate of inflation.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report containing the results of the analyses required under paragraph (1), together with recommendations on appropriate acquisition policies, procedures, and end strength, of the acquisition of polar icebreakers described in subparagraph (A) by the Coast Guard or the National Science Foundation assuming that total Coast Guard funding will not increase more than the annual rate of inflation.

(g) HIGH-LATITUDE STUDY.—Not later than 90 days after the date of enactment of this Act or the date of completion of the ongoing High-Latitude Study in which the Coast Guard is operating shall submit a report containing the results of the study, together with recommendations on appropriate acquisition policies, procedures, and end strength, of the acquisition of polar icebreakers described in subparagraph (A) by the Coast Guard or the National Science Foundation assuming that total Coast Guard funding will not increase more than the annual rate of inflation.

(h) ANNUAL REPORT.—In this section the term "Arctic" has the same meaning as in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).
oversight for the implementation and management of all Coast Guard acquisition processes, programs, and projects.

"(b) MISSION.—The mission of the acquisition directorate is—

"(1) to acquire and deliver assets and systems that increase operational readiness, enhance mission performance, and create a safe working environment; and

"(2) to assist in the development of a workforce that is trained and qualified to further the Coast Guard’s missions and deliver the best-value products and services to the Nation.

§562. Improvements in Coast Guard acquisition management

(a) PROJECT OR PROGRAM MANAGER.—

"(1) PROJECT OR PROGRAM MANAGER.—An individual may not be assigned as the project or program manager for a Level 1 acquisition unless the individual holds a Level III acquisition certification as a program manager.

"(2) LEVEL 2 PROJECTS.—An individual may not be assigned as the project or program manager for a Level 2 acquisition unless the individual holds a Level II acquisition certification as a program manager.

(b) GUIDANCE ON TENURE AND ACCOUNTABILITY OF PROGRAM AND PROJECT MANAGERS.—

"(1) ISSUANCE OF GUIDANCE.—Not later than one year after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011, the Commandant shall issue guidance to address the qualifications, resource, responsibilities, tenure, and accountability of project and program managers for the management of acquisition projects and programs. The guidance shall address, at a minimum—

"(A) qualifications required for project or program managers, including the number of years of acquisition experience and the professional training levels to be required of those appointed to project or program management positions;

"(B) authorities available to project or program managers, including, to the extent appropriate, the authority to object to the addition of new program requirements that would be inconsistent with the parameters established for an acquisition program; and

"(C) the extent to which a project or program manager who initiates a new acquisition project or program will continue in management of that project or program without regard to the delivery of the first production units of the program.

"(2) STRATEGY.—

"(A) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Commandant shall develop a comprehensive strategy for enhancing the role of Coast Guard project or program managers in developing and carrying out acquisition programs.

"(B) MATTERS TO BE ADDRESSED.—The strategy required by this section shall addres, at a minimum—

"(i) the creation of a specific career path and career opportunities for individuals who are or may become project or program managers;

"(ii) the provision of enhanced training and education for project or program managers that will be provided to project or program managers;

"(iii) the provision of mentoring support to currently serving project or program managers by experienced senior executives and program managers within the Coast Guard, and through rotational assignments to the Department of Defense;

"(iv) the methods by which the Coast Guard will collect and disseminate best practices and lessons learned on systems acquisition to enhance project and program management throughout the Coast Guard;

"(v) the templates and tools that will be used to manage improved data gathering and analysis for project and program management and oversight purposes, including the metrics that will be utilized to assess the effectiveness of project or program managers in managing systems acquisition efforts; and

"(vi) the methods by which the accountability of project or program managers for the results of acquisition projects and programs will be increased.

"(c) ACQUISITION WORKFORCE.—

"(1) IN GENERAL.—The Commandant shall designate a sufficient number of positions to be in the Coast Guard’s acquisition workforce to fund acquisitions at Coast Guard headquarters and field activities.

"(2) REQUIRED POSITIONS.—In designating positions under subsection (a), the Commandant shall include, at a minimum, positions encompassing the following competencies and functions:

"(A) Program management.

"(B) Systems planning, research, development, engineering, and testing.

"(C) Procurement, including contracting.

"(D) Industrial and contract property management.

"(E) Life-cycle logistics.

"(F) Quality control and assurance.

"(G) Manufacturing and production.

"(H) Business, cost estimating, financial management, and auditing.

"(I) Acquisition education, training, and career development.

"(J) Construction and facilities engineering.

"(K) Testing and evaluation.

"(3) ACQUISITION MANAGEMENT HEADQUARTERS ACTIVITIES.—The Commandant shall also designate as positions in the acquisition workforce under paragraph (1) those acquisition-related positions located at Coast Guard headquarters units.

"(4) APPROPRIATE EXPERTISE REQUIRED.—The Commandant shall ensure that each individual assigned to a position in the acquisition workforce has the appropriate expertise to carry out the responsibilities of that position.

"(d) MANAGEMENT INFORMATION SYSTEM.—

"(1) IN GENERAL.—The Commandant shall establish and maintain a management information system capable of supporting workforce management and reporting.

"(2) INFORMATION MAINTAINED.—Information maintained with such capability shall include the following standardized information on individuals assigned to positions in the workforce:

"(A) Qualifications, appointment history, and tenure of those individuals assigned to positions in the acquisition workforce or holding acquisition-related certifications.

"(B) Promotion rates for officers and members of the Coast Guard in the acquisition workforce.

"(e) REPORT ON ADEQUACY OF ACQUISITION WORKFORCE.—

"(1) IN GENERAL.—The Commandant shall report to the appropriate congressional committees and the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform by July 1 of each year on the scope of the acquisition activities to be performed in the next fiscal year and on the adequacy of the current acquisition workforce to meet that anticipated workload.

"(f) CONTENTS.—The report shall—

"(A) specify the number of officers, members, and employees to be assigned to the full-time acquisition workforce (as defined in §564.2 of this part); and

"(B) identify positions that are under-staffed to meet the anticipated acquisition workload, and actions that will be taken to correct such understaffing.

§563. Identification of career paths

(a) IDENTIFICATION OF CAREER PATHS.—To establish acquisition management as a core competency of the Coast Guard, the Commandant shall—

"(1) ensure that career paths for officers, members, and employees of the Coast Guard who wish to pursue careers in acquisition are identified in terms of the education, training, experience, and assignments necessary for career progression of those officers, members, and employees to the most senior positions in the acquisition workforce; and

"(2) publish information on such career paths.

"(b) PROCEDURE FOR THE NOMINATION OF PERSONNEL.—The Commandant shall ensure that promotion parity is established for officers and members of the Coast Guard who have been assigned to the acquisition workforce relative to officers and members who have not been assigned to the acquisition workforce.

§564. Prohibition on use of lead systems integrators

(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011, the Commandant shall examine the feasibility of implementing a program to recognize and reward those teams comprising of officers, members, and employees of the Coast Guard that contributed to the long-term success of a Coast Guard acquisition project or program.

(b) ELEMENTS.—The program shall include—

"(1) specific award categories, criteria, and eligibility and manners of recognition;

"(2) procedures for the nomination by personnel of the Coast Guard of individuals and teams comprising of officers, members, and employees of the Coast Guard for recognition under the program; and

"(3) procedures for the evaluation of nominations for recognition under the program by more panels of individuals from the Government, academia, and the private sector who have such expertise and are appointed in such manner as the Commandant shall establish for the purposes of this program.

"(c) AWARD OF CASH BONUSES.—As part of the program required by subsection (a), the Commandant, subject to the availability of appropriations, may award to any civilian employee recognized pursuant to the program a cash bonus to the extent that the performance of such individual exceeds the recognized warrant of the award of such bonus.
excepted in accordance with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation.

“(2) The authority to enter into an undefinitized contractual action for the purpose of acquiring an asset with an expected service life of 10 or more years and with a total acquisition cost that is equal to or exceeds $10,000,000 awarded or issued by the Coast Guard after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011.

“(3) No effect on Small Business Act.—'(3) NO EFFECT ON SMALL BUSINESS ACT.—Nothing in this subsection shall be construed to supersede or otherwise affect the authorities of the Government for the acquisition of items of defense interests that are available in the public domain.

§ 565. Required contract terms

“(a) In General.—The Commandant shall ensure that a contract awarded or a delivery order or task order issued for an acquisition is in accordance with the terms and conditions of the lead systems integrator and a Tier 1 subcontractor through full and open competition.

“(b) Exception.—'(b) EXCEPTION.—'(1) NATIONAL DISTRESS AND RESPONSE SYSTEM MODERNIZATION PROGRAM:—National Security Cutters 2 and 3.—Notwithstanding subsection (a), the Commandant may use a private sector entity as a lead systems integrator to acquire the National Security Cutters and Response System Modernization Program (otherwise known as the ‘Rescue 21’ program), the C2BMC projects directly related to the Integrated Deepwater program, and National Security Cutters 2 and 3, if the Secretary of the department in which the Coast Guard is operating certifies that—

“(A) the acquisition is in accordance with Federal law and the Federal Acquisition Regulation; and

“(B) the acquisition and the use of a private sector lead systems integrator for the acquisition is in the best interest of the Federal Government.

“(2) REQUIREMENT ON DECISIONMAKING PROCESS.—If the Commandant uses a private sector lead systems integrator for an acquisition, the Commandant shall notify in writing the appropriate congressional committees of the Commandant’s determination and shall provide to such committees a detailed rationale for the determination, at least 30 days before the award of a contract or issuance of a delivery order or task order, using a private sector lead systems integrator, including a comparison of the cost of the acquisition through a lead systems integrator with the cost of the acquisition through a third party with expertise in acquisition management, and the results of that review.

“(3) Technical Authority.—'(d) TECHNICAL AUTHORITY.—The Commandant shall maintain the authority to establish, approve, and maintain technical requirements;

“(4) Non-exclusivity.—'(e) NON-EXCLUSIVITY.—'(A) May not include any minimum requirements for the purchase of a given or determined number of specified capacities or assets; and

“(B) May not include any minimum requirements for the purchase of a given or determined number of specified capacities or assets; and

“(5) Certification.—'(f) CERTIFICATION.—(1) The temporary assignment or exchange of a lead systems integrator for an acquisition is in the best interest of the Federal Government.

“(2) The authority to enter into an undefinitized contractual action under this section shall be exercised by the Commandant in accordance with the procedures for the acquisition of defense assets specified in the Federal Acquisition Regulations.

§ 566. Department of Defense consultation

“(a) In General.—The Commandant shall make arrangements as appropriate with the Secretary of Defense for support in contract and management of Coast Guard acquisition programs. The Commandant shall also seek opportunities to make use of Department of Defense contract or other appropriate agencies, to obtain the best possible price for assets acquired for the Coast Guard.

§ 567. Interagency technical assistance

“(a) In General.—The Commandant shall seek to enter into a memorandum of understanding or a memorandum of agreement with the Secretary of the Navy, the Commandant of the Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition, including the Navy Systems Command, with the Coast Guard major acquisition programs. The memorandum of understanding or memorandum of agreement shall, at a minimum, provide for—

“(1) the exchange of technical assistance and support that the Assistant Commandant for Acquisition, Human Resources, Engineering, and Information technology may identify;

“(2) the use, as appropriate, of Navy technical expertise; and

“(3) the temporary assignment or exchange of personnel between the Coast Guard and the Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition, including the Navy Command, to facilitate the development of organic capabilities in the Coast Guard.

§ 568. Requirement approval procedures

“(a) In General.—The Commandant shall adopt, to the extent practicable, procedures modeled after those used by the Navy for approval of all technical requirements.

“(b) Assessment.—Within 180 days after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011, the Comptroller General of the United States shall transmit a report to the appropriate congressional committees that—

“(1) contains an assessment of current Coast Guard acquisition and management capabilities to manage Level 1 and Level 2 acquisitions;

“(2) includes recommendations as to how the Coast Guard can improve its acquisition management, either through internal reorganization or by seeking acquisition expertise from the Department of Defense, the Department of the Navy for Research, Development, and Acquisition, and other appropriate agencies, to obtain better leverage and management of Level 1 or Level 2 acquisitions in order to obtain the best possible price.

§ 567. Unidentified contractual actions

“(a) In General.—The Coast Guard may not enter into an unidentified contractual action unless such action is directly approved by the Head of Contracting Activity of the Coast Guard.

“(b) Requests for unidentified contractual actions.—Any request to the Head of Contracting Activity for approval of an unidentified contractual action shall include a description of the effect on requirements of the Coast Guard if a delay is incurred for the purposes of determining contractual terms, specifications, and prices, and the performance is begun under the contractual action.

“(c) Requirements for unidentified contractual agreements.—'(c) REQUISITES FOR UNIDENTIFIED CONTRACTUAL ACTIONS.—Any request to the Head of Contracting Activity for approval of an unidentified contractual action shall include—

“(1) a description of the effect on requirements of the Coast Guard if a delay is incurred for the purposes of determining contractual terms, specifications, and prices, and the performance is begun under the contractual action.

“(2) a description of the anticipated performance of the contractor, including the subcontractor performance, the Department of Defense consultation

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“(1) the exchange of technical assistance and support that the Assistant Commandant for Acquisition, Human Resources, Engineering, and Information technology may identify;

“(2) the use, as appropriate, of Navy technical expertise; and

“(3) the temporary assignment or exchange of personnel between the Coast Guard and the Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition, including the Navy Command, to facilitate the development of organic capabilities in the Coast Guard.

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“(2) includes recommendations as to how the Coast Guard can improve its acquisition management, either through internal reorganization or by seeking acquisition expertise from the Department of Defense, the Department of the Navy for Research, Development, and Acquisition, and other appropriate agencies, to obtain better leverage and management of Level 1 or Level 2 acquisitions in order to obtain the best possible price.

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“(1) a description of the effect on requirements of the Coast Guard if a delay is incurred for the purposes of determining contractual terms, specifications, and prices, and the performance is begun under the contractual action.

“(2) a description of the anticipated performance of the contractor, including the subcontractor performance, the
"(3) Limitation on obligations.—

(A) In general.—Except as provided in subparagraph (B), the contracting officer for an undefinitized contractual action may not obligate under such contractual action an amount that exceeds 50 percent of the negotiated ceiling price for the contract action.

(B) Exception.—Notwithstanding subparagraph (A), if a contractor submits a qualifying proposal to definitize an undefinitized contractual action before an amount that exceeds 50 percent of the negotiated ceiling price is obligated on such action, the contractor for such action may not obligate with respect to such contractual action an amount that exceeds 75 percent of the negotiated overall ceiling price until the contractual terms, specifications, and price are definitized for such contractual action.

(4) Qualifying proposal.—The term ‘qualified proposal’ means a proposal that contains sufficient information to enable complete and meaningful audits of the information contained in the proposal as determined by the contracting officer.

§ 568. Guidance on excessive pass-through charges

(a) In general.—Not later than 180 days after the enforcement of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011, the Commandant shall issue guidance to ensure that pass-through charges on contracts, subcontracts, delivery orders, and task orders that are entered into with a private entity acting as a lead systems integrator by or on behalf of the Coast Guard are not excessive in relation to the cost of work performed by the relevant contractor or subcontractor. The guidance shall, at a minimum—

(1) set forth clear standards for determining when, or, negligible, value has been added to a contract by a contractor or subcontractor;

(2) see that procedures for preventing the payment by the Government of excessive pass-through charges; and

(3) identify any exceptions determined by the Commandant to be in the best interest of the Government.

(b) Excessive Pass-Through Charge Defined.—In this section the term ‘excessive pass-through charge’ means a charge that is for overhead or profit on work performed by a lower tier contractor or subcontractor, other than reasonable charges for the direct costs of the contractor or subcontractor; and

(c) Application of Guidance.—The guidance under this subsection shall apply to contracts awarded to a private entity acting as a lead systems integrator by or on behalf of the Coast Guard on or after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011.

§ 569. Report on former Coast Guard officials employed by contractors to the agency

(a) Report Required.—Not later than December 31, 2011, the Comptroller General of the United States shall submit a report to the appropriate congressional committees on the employment of former Coast Guard officials who were Coast Guard contractors during the preceding 5-year period.

(b) Objectives of Report.—At a minimum, the report required by this section shall assess the extent to which former Coast Guard officials who receive compensation from Coast Guard contractors have been assigned to work on contracts for which the former official personally had oversight responsibility or decision-making authority when they served in or worked for the Coast Guard.

(c) Confidentiality Requirement.—The report required by this subsection shall not include the names of the former Coast Guard officials who receive compensation from Coast Guard contractors.

(d) Access to Information.—A Coast Guard contractor shall provide the Comptroller General access to information requested by the Comptroller General for the purpose of conducting the study required by this section.

(e) Definitions.—In this section:

(1) Coast Guard contractor.—The term ‘Coast Guard contractor’ includes any person that received at least $10,000,000 in contract awards from the Coast Guard in the calendar year covered by the annual report.

(2) Coast Guard official.—The term ‘Coast Guard official’ includes former officers of the Coast Guard who were compensated at a rate of pay for grade O-7 or above during the calendar year prior to the date on which they separated from the Coast Guard, and former civilian employees of the Coast Guard who served at any Level of the Senior Executive Service between the date of enactment of section 70101 of title 46; and

(3) Former Coast Guard officer.—For the purposes of conducting the study required by this section, ‘former Coast Guard officer’ includes former officers of the Coast Guard who were compensated at a rate of pay for grade O-7 or above during the calendar year prior to the date on which they separated from the Coast Guard.

SUBCHAPTER II—IMPROVED ACQUISITION PROCESS AND PROCEDURES

§ 571. Identification of major system acquisitions

(a) In general.—

(1) Support mechanisms.—The Commandant shall develop and implement mechanisms to support the establishment of mature and stable operational requirements for all acquisitions.

(2) Mission analysis; affordability assessment.—The Commandant may not initiate a Level 1 or Level 2 acquisition project or program until the Commandant submits a report to the appropriate congressional committees on the following:

(1) a mission analysis that—

(i) identifies the specific capability gaps to be addressed by the project or program; and

(ii) develops a clear mission need to be addressed by the project or program; and

(2) a preliminary affordability assessment for the project or program.

(2) Elements.—

(1) Requirements.—The mechanisms required by subsection (a) shall include the implementation of a formal process for the development of a mission-needs statement, concept-of-operations document, capability development plan, and resource proposal for the initial project or program funding, and shall ensure the project or program is included in the Coast Guard Capital Investment Plan.

(2) Assessment of trade-offs.—In conducting an affordability assessment under subsection (a)(2), the Commandant shall develop and implement mechanisms to ensure that trade-offs among cost, schedule, and performance are considered in the establishment of preliminary operational requirements for the development and production of new assets and capabilities for Level 1 and Level 2 acquisitions projects and programs.

(3) Human resource capital planning.—The Commandant shall develop a human capital performance plan, and identify preliminary training
needs required to implement each Level 1 and Level 2 acquisition project and program.

§572. Acquisition

(a) IN GENERAL.—The Commandant may not establish a Level 1 or Level 2 acquisition project or program unless:

(1) clearly defines the operational requirements for the project or program;

(2) establishes the feasibility of alternatives;

(3) develops an acquisition project or program baseline; and

(4) produces a life-cycle cost estimate; and

(b) SUBMISSION REQUIRED BEFORE PROCEEDING.—Any Coast Guard Level 1 or Level 2 acquisition project or program may not begin to obtain any capability or asset or proceed beyond that phase of its development that entails approving the supporting acquisition until the Commandant submits to the appropriate congressional committees the following:

(1) the key performance parameters, the system attributes, and the operational performance attributes of the capability or asset to be acquired under the proposed acquisition project or program;

(2) a detailed list of the systems or other capabilities with which the capability or asset to be acquired is intended to be interoperable, including an explanation of the attributes of interoperability;

(3) the anticipated acquisition project or program baseline and acquisition unit cost for the entity to be acquired under the project or program;

(4) a detailed schedule for the acquisition process, including all acquisition and asset acquisitions to be completed and when all acquired capabilities and assets are to be initially and fully deployed.

(c) ANALYSIS—

(1) IN GENERAL.—The Coast Guard may not acquire an experimental or technically immature capability or asset or implement a Level 1 or Level 2 acquisition project or program, unless it has prepared an analysis of alternatives for the capability or asset to be acquired in the concept and technology development phase of the acquisition process for the capability or asset.

(2) REQUIREMENTS.—The analysis of alternatives prepared by a federal research and development center, a qualified entity of the Department of Defense, or a similar independent third-party entity that is not appropriate in acquisition expertise and has no financial interest in any part of the acquisition project or program that is the subject of the analysis. At a minimum, the analysis of alternatives shall include—

(A) an assessment of the technical maturity of the capability or asset, and technical and other risks;

(B) an examination of capability, interoperability, and other advantages and disadvantages;

(C) an examination of whether different combinations or quantities of specific assets or capabilities could meet the Coast Guard’s overall performance needs;

(D) a discussion of key assumptions and variables, and sensitivity to change in such assumptions and variables;

(E) when an alternative is an existing capability, asset, or prototype, an examination of the safety and performance records and costs;

(F) a calculation of life-cycle costs including—

(i) an examination of likely research and development costs and the levels of uncertainty associated with such estimated costs;

(ii) an examination of likely operating and support costs and the levels of uncertainty associated with such estimated costs;

(iii) an examination of likely operating and support costs and the levels of uncertainty associated with such estimated costs;

(iv) such additional measures as the Commandant or the Secretary of the department in which the Coast Guard is operating determines to be necessary for appropriate evaluation of the capability or asset before the master plan is approved by the Commandant.

(G) the business case for each viable alternative.

(d) TEST AND EVALUATION MASTER PLAN.—

(1) IN GENERAL.—For any Level 1 or Level 2 acquisition project or program the Chief Acquisition Officer must approve a test and evaluation master plan specific to the acquisition project or program for the capability, asset, or subsystems of the capability or asset and intended to minimize technical, cost, and schedule risk as early as practicable in the development of the project or program.

(2) TEST AND EVALUATION STRATEGY.—The master plan shall—

(A) set forth an integrated test and evaluation strategy that will verify that capability- or asset-level and subsystem-level design assumptions including system functionality, performance and supportability have been sufficiently proven before the capability, asset, or subsystem of the capability or asset is approved for production; and

(B) require that adequate developmental tests and evaluations and operational tests and evaluations established under subparagraph (a) are performed to inform production decisions.

(e) OTHER COMPONENTS OF THE MASTER PLAN.—At a minimum, the master plan shall identify—

(A) the key performance parameters to be resolved through the integrated test and evaluation strategy;

(B) critical operational issues to be assessed in addition to the key performance parameters;

(C) specific development test and evaluation phases and the scope of each phase;

(D) modeling and simulation activities to be performed, if any, and the scope of such activities;

(E) early operational assessments to be performed, if any, and the scope of such assessments;

(F) operational test and evaluation phases;

(G) an estimate of the resources, including funds, that will be required for all test, evaluation, reporting, modeling, and simulation activities; and

(H) the Government entity or independent entity that will perform the test, evaluation, reporting, modeling, and simulation activities.

(f) UPDATE.—The Chief Acquisition Officer must approve an updated master plan whenever there is a revision to project or program test and evaluation strategy, scope, or phasing.

(g) LIMITATION.—The Coast Guard may not—

(A) proceed beyond that phase of the acquisition process that entails approving the supporting acquisition of a capability or asset, unless the master plan is approved by the Chief Acquisition Officer; or

(B) award any production contract for a capability, asset, or subsystem for which a master plan is not under review under this subsection before the master plan is approved by the Chief Acquisition Officer.

§573. Preliminary development and demonstration

(a) IN GENERAL.—The Commandant shall ensure that developmental and demonstration, operational test and evaluation, life-cycle cost estimates, and the development and demonstration requirements established by this chapter to acquisition projects and programs are met to confirm that the projects or programs meet the requirements identified in the mission and capability assessment prepared under section 571(a)(2), the operational requirements developed under section 572(a)(1) and the following development and demonstration objectives:

(1) To demonstrate that the design, manufacturing, and production solution is based upon stable, producible, and cost-effective product design;

(2) To ensure that the product capabilities meet contract specifications, acceptable operational performance requirements, and system security requirements;

(3) To ensure that the product design is mature enough to commit to full production and deployment.

(b) TESTS AND EVALUATIONS.—

(1) IN GENERAL.—The Commandant shall ensure that the Coast Guard conducts developmental tests and evaluations, operational tests and evaluations of a capability or asset and the subsystems of the capability or asset in accordance with the master plan prepared for the capability or asset under section 572(d)(1).

(2) USE OF THIRD PARTIES.—The Commandant shall ensure that the Coast Guard uses independent third parties with expertise in testing and evaluating the capabilities or assets and the subsystems of the capabilities or assets being acquired to conduct developmental tests and evaluations and operational tests and evaluations whenever the Coast Guard lacks the capability to conduct the tests and evaluations required by a master plan.

(3) COMMUNICATION OF SAFETY CONCERNS.—

The Commandant shall require that safety concerns identified during developmental or operational tests and evaluations or through independent or Government-conducted design assessments of capabilities or assets and the subsystems of capabilities or assets to be acquired by the Coast Guard shall be communicated as soon as practicable, but not later than 30 days after the completion of the test or evaluation event or process. The identified safety concern, to the program manager for the capability or asset and the subsystems concerned and to the Chief Acquisition Officer.

(4) REPORTING OF SAFETY CONCERNS.—Any safety concerns that have been reported to
the Chief Acquisition Officer for an acquisition program or project shall be reported by the Commandant to the appropriate congressional committees at least 90 days before the award or issuance of any contract, delivery order or task order for low, initial, or full-rate production of the capability or asset concerned if they will remain uncorrected or mitigated at the time such a contract is awarded or delivery order or task order is issued. The report shall include a justification for the approval of that level of production capability or asset if the safety concerns are corrected or mitigated. The report shall also include an explanation of the actions taken to correct or mitigate the safety concerns, the date by which those actions will be taken, and the adequacy of current funding to correct or mitigate the safety concerns.

(5) Asset already in low, initial, or full-rate production.—If operational test and evaluation of a capability or asset already in low, initial, or full-rate production identifies a safety concern with the capability or asset or any subsystems of the capability or asset not previously identified during developmental or operational test and evaluation, the Commandant shall—

(A) notify the program manager and the Chief Acquisition Officer of the safety concern identified, but not later than 30 days after the completion of the test and evaluation event or activity that identified the safety concern;

(B) notify the Chief Acquisition Officer and include in such notification—

(1) an explanation of the actions that will be taken to correct or mitigate the safety concern in all capabilities and assets and subsystems of the capabilities or assets yet to be produced, and the date by which those actions will be taken; and

(3) an assessment of the adequacy of current funding to correct or mitigate the safety concern in all capabilities and assets and subsystems of the capabilities or assets and in previously produced capabilities or assets and any system associated with such projects or programs.

(c) Technical Certification.—

(1) In General.—The Commandant shall submit to the committee on the appropriate congressional committees, and the Committees on Homeland Security of the House of Representatives and the Senate, a report if—

(A) any acquisition that the Chief Acquisition Officer becomes aware of the breach of an acquisition program baseline for any Level 1 or Level 2 acquisition program, by—

(1) a likely cost overrun greater than 15 percent of the acquisition program baseline; or

(2) a likely delay of more than 180 days in the delivery schedule for any individual capability or asset or class of capabilities or assets; or

(3) an anticipated failure for any individual capability or asset or class of capabilities or assets to satisfy any key performance threshold or parameter under the acquisition program baseline.

(2) CONTENT.—The report submitted under subsection (a) shall include—

(1) a detailed description of the breach and an explanation of its cause;

(2) the projected impact to performance, cost, and schedule;

(3) an updated acquisition program baseline and the complete history of changes to the original acquisition program baseline; and

(4) the updated acquisition schedule and the complete history of changes to the original schedule;

(5) a full life-cycle cost analysis for the capability or asset or class of capabilities or assets;

(6) a remediation plan identifying corrective actions and any resulting issues or risks, and

(7) a description of how progress in the remediation plan will be measured and monitored.

(d) Substantial Variations in Costs or Schedule.—If a likely cost overrun is greater than 20 percent or a likely delay is greater than 12 months from the costs and schedule described in the acquisition program baseline for any Level 1 or Level 2 acquisition project or program of the Coast Guard, the Commandant shall include in the report a certification, with a supporting explanation, that—

(1) the capability or asset or capability or asset class to be acquired under the project or program is essential to the accomplishment of Coast Guard missions;

(2) there are no alternatives to such capability or asset or capability class that provide equal or greater capability in both a more cost-effective and timely manner;

(3) the new acquisition schedule and estimates for total acquisition cost are reasonable; and

(4) the management structure for the acquisition program is adequate to manage and control performance, cost, and schedule.

§576. Acquisition approval authority

“Nothing in this subchapter shall be construed as altering or diminishing in any way the statutory authority and responsibility of the Secretary of the department in which the Coast Guard is operating, or the Secretary’s designee, to—

(1) manage and administer departmental programs, including procurements by department components, as required by section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341); or

(2) manage department acquisition activities and act as the Acquisition Decision Authority with regard to the review or approval of a Coast Guard Level 1 or Level 2 acquisition project or program, as authorized by section 16 of the Office of Federal Procurement Policy Act (41 U.S.C. 414) and related implementing regulations and directives.

SUBCHAPTER III—DEFINITIONS

§583. Definitions

“Appropriate Congressional Committees.—The term ‘appropriate congressional committees’ means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

Chief Acquisition Officer.—The term ‘Chief Acquisition Officer’ means the officer appointed under section 56 of this title.

Commandant.—The term ‘Commandant’ means the Commandant of the Coast Guard.

(4) Level 1 Acquisition.—The term ‘Level 1 acquisition’ means—

(A) an acquisition by the Coast Guard—

(i) the estimated life-cycle costs of which exceed $1,000,000,000;

(ii) the estimated total acquisition costs of which exceed $300,000,000; or

(B) any acquisition that the Chief Acquisition Officer of the Coast Guard determines to have a special interest—

(i) the experimental or technically immature nature of the asset;
SEC. 403. NATIONAL SECURITY CUTTERS.

"15. Acquisitions ................................ 561".

TITLE V—COAST GUARD MODERNIZATION

SEC. 501. SHORT TITLE.

This title may be cited as the "Coast Guard Modernization Act of 2010".

Subtitle A—Coast Guard Leadership

SEC. 511. VICE ADMIRALS

(a) VICE ADMIRALS.—Section 50 of such title is amended to read as follows:

"§ 50. Vice admirals

(1) The President may designate no more than 4 positions of importance and reponsibility that shall be held by officers who—

(A) while serving in the grade of vice admiral, shall be retired for physical disability or for the convenience of the service or who served in that grade for at least 21⁄2 years in the grade of rear admiral, is retired while serving in a lower grade, may in the discretion of the President, be rehired with the highest grade in which that officer served.

(b) An officer, other than the Commandant, who, after serving in the grade of vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be rehired with the highest grade in which that officer served.

(c) An officer, other than the Commandant, who, after serving less than 21⁄2 years in the grade of vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be rehired with the highest grade in which that officer served.

(d) The requirements of subsection (A) do not apply to such vice admiral if the subordinate officer serving in the grade of rear admiral with responsibilities for maritime safety, security, and stewardship possesses that experience.

(b)(1) The appointment and the grade of vice admiral shall be effective on the date the officer is appointed or the date the officer is transferred from another position to another position designated under subsection (a), beginning on the date the officer is detached from duty and pending on the date the officer is detached from duty and pending on the date the officer is detached from that duty and terminating on the date the officer assumes the subsequent duty, but not for more than 60 days;

(b)(2) while awaiting retirement, beginning on the day of the appointment and the grade of vice admiral shall be effective on the date the officer is appointed or the date the officer is transferred from another position to another position designated under subsection (a), beginning on the date the officer is detached from duty and pending on the date the officer is detached from duty and pending on the date the officer is detached from that duty and terminating on the date the officer assumes the subsequent duty, but not for more than 60 days;

(b)(3) while awaiting retirement, beginning on the day the officer is discharged from the hospital, but not for more than 180 days; and

(b)(4) while awaiting retirement, beginning on the date the officer is detached from duty and pending on the date the officer is detached from duty and pending on the date the officer is detached from that duty and terminating on the date the officer assumes the subsequent duty, but not for more than 60 days.

(c) Reports.—The Commandant shall include in reports under section 562(d) of title 14, United States Code, as added by this title, information described in that section regarding positions designated under this section.
as having been continued at the grade of rear admiral.’’.

(f) Clerical Amendments.—
(1) The section caption for section 47 of such title shall be amended to read as follows—
‘‘§ 47. Vice commander appointment’’.
(2) The section caption for section 52 of title 14, United States Code, is amended to read as follows—
‘‘§ 52. Vice admirals and admiral, continuity of grade’’.

(3) The table of contents for chapter 3 of such title is amended—
(A) by striking the item relating to section 47 and inserting the following:—
‘‘§ 47. Vice commander appointment’’; and
(B) by striking the item relating to section 52a; and
(C) by striking the item relating to section 50 and inserting in its place—
‘‘§ 50. Vice admirals’’; and
(D) by striking the item relating to section 52 and inserting the following—
‘‘§ 52. Vice admirals and admiral, continuity of grade’’.

(g) Technical Correction.—Section 47 of such title is further amended by striking ‘‘subsection’’ in the fifth sentence and inserting ‘‘section’’.

(h) Treatment of Incumbents; Transition.—
(1) Notwithstanding any other provision of law, and notwithstanding, on the date of enactment of this Act, is serving as Chief of Staff, Commander, Atlantic Area, or Commander, Pacific Area—
(A) shall continue to have the grade of vice admiral with pay and allowance of that grade until such time that the officer is relieved of his duties and appointed and confirmed to a higher position as a vice admiral or admiral; or
(B) for the purposes of transition, may continue at the grade of vice admiral with pay and allowance of that grade, for not more than 1 year after the date of enactment of this Act, to perform the duties of the officer’s former position and any other such duties that the Commandant prescribes.

Subtitle B—Workforce Expertise

SEC. 51. PREVENTION AND RESPONSE STAFF.

(a) In General.—Chapter 3 of title 14, United States Code, is amended by adding at the end thereof—

‘‘§ 57. Prevention and response workforces

‘‘(a) Career Paths.—The Secretary, acting through the Commandant, shall establish that appropriate career paths for civilian and military personnel who wish to pursue career paths in prevention or response positions are identified in terms of the education, training, experience, and assignments necessary for career progression of civilians and members of the Armed Forces to the most senior prevention or response positions, as appropriate. The Secretary shall make available published information on such career paths.

(b) Qualifications for Certain Assignments.—An officer, member, or civilian employee of the Coast Guard assigned as—
(1) marine inspector, qualified to inspect vessels, vessel systems, and equipment commonly found in the sector; and
(2) qualified marine casualty investigator or marine safety engineer;

(g) Signatories of Letter of Qualification for Certain Prevention Personnel.—Each person holding a letter of qualification for marine safety personnel must hold a letter of qualification for the type being certified.

(h) Sector Chief of Response.—There shall be in each Coast Guard sector a Chief of Response who shall be a qualified marine safety personnel assigned to the sector.

§ 58. Centers of expertise for Coast Guard prevention and response

(a) Establishment.—The Commandant of the Coast Guard may establish and operate one or more centers of expertise for prevention and response missions of the Coast Guard (in this section referred to as a ‘‘center’’).

(b) Missions.—Each center shall—
(1) promote and facilitate education, training, and research;
(2) develop a repository of information on its missions and specialties; and
(3) perform any other missions as the Commandant may specify.

(c) Joint Operation With Educational Institution Authorized.—The Commandant may enter into an agreement with an appropriate official of an institution of higher education to—
(1) provide for joint operation of a center; and
(2) provide necessary administrative services for a center, including administration and allocation of funds.

(d) Acceptance of Donations.—
(1) Except as provided in paragraph (2), the Commandant may accept, on behalf of a center, donations to be used to defray the costs of carrying out the duties and responsibilities of the center. Those donations may be accepted from any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any individual.

(2) The Commandant may not accept a donation under paragraph (1) if the acceptance of the donation would compromise or appear to compromise—
(A) the ability of the Coast Guard or the department in which the Coast Guard is operating, any employee of the Coast Guard or the department, and any mission of the Armed Forces to carry out any responsibility or duty in a fair and objective manner; or
(B) the integrity of any program of the Coast Guard, the department in which the Coast Guard is operating, or any person involved in such a program.

(e) Commandant may prescribe written guidance setting forth the criteria to be used in determining whether or not the acceptance of a donation from a foreign source would have a result described in paragraph (2).

§ 59. Marine industry training program

(a) In General.—The Commandant shall, by policy, establish a program under which an officer, member, or employee of the Coast Guard may be assigned to a private entity to further the institutional interests of the Coast Guard with regard to marine safety, for the purpose of providing training to an officer, member, or employee. Policies to carry out the program—
(1) with regard to an employee of the Coast Guard, shall be consistent with section 3702 through 3707 of title 5, as to matters concerning—
(A) the duration and termination of assignments; and
(B) reimbursements; and
(C) status, entitlements, benefits, and obligations of program participants; and
(2) shall require the Commandant, before approving the assignment of an officer, member, or employee of the Coast Guard to a private entity, to determine that the assignment is an effective use of the Coast Guard’s funds, taking into account the best interests of the Coast Guard and the costs and benefits of alternative methods of achieving the same results and objectives.

(b) Annual Report.—Not later than the date of the submission each year of the President’s budget request under section 108 of title 31, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that describes—
(1) the number of officers, members, and employees of the Coast Guard assigned to private entities under this section; and
(2) the specific benefit that accrues to the Coast Guard for each assignment.’’.
(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is further amended by adding at the end the following new items:

"§ 524. APPEALS AND WAIVERS.

Title VI—Marine Safety

SEC. 525. POWERS AND DUTIES.

Section 93 of title 14, United States Code, is amended by adding at the end the following new subsection:

"(c) MARINE SAFETY RESPONSIBILITIES.—In exercising the Commandant’s duties and responsibilities with regard to marine safety, the individual with the highest rank who meets the experience qualifications set forth in section 50(a)(3) shall serve as the principal advisor to the Commandant regarding—

"(1) the operation, regulation, inspection, identification, manning, and measurement of vessels, including plan approval and the application of load lines;

"(2) approval of materials, equipment, appliances, and associated equipment;

"(3) the reporting and investigation of marine casualties and accidents;

"(4) the licensing, certification, documentation, protection and relief of merchant seamen;

"(5) suspension and revocation of licenses and certificates;

"(6) enforcement of manning requirements, citizenship requirements, control of log books;

"(7) documentation and numbering of vessels;

"(8) State boating safety programs;

"(9) commercial instruments and maritime liens:

"(10) the administration of bridge safety;

"(11) administration of the navigation rules;

"(12) the prevention of pollution from vessels;

"(13) ports and waterways safety;

"(14) waterways management, including regulation for regattas and marine parades;

"(15) aids to navigation; and

"(16) other duties and powers of the Secretary related to marine safety and stewardship.

"(d) OTHER AUTHORITY NOT AFFECTED.—Nothing in subsection (c) affects—

"(1) VESSEL REBUILDING AND REPLACEMENT .—Nothing in paragraph (1) affects the authority of the Commandant of the Coast Guard under section 50(a)(4) of title 14, United States Code, to issue regulations regarding the rebuilding or replacement of vessels, including the regulation of vessels engaged in fishing, sportfishing, or other commercial activities.

"(2) the exercise of authority under section 208(g) of the American Fisheries Act of 2000, to limit the number of vessels engaged in fishing or other commercial activities.

"(3) the administration of bridge safety;

"(4) the licensing, certification, documentation, protection and relief of merchant seamen;

"(5) the prevention of pollution from vessels;

"(6) ports and waterways safety;

"(7) waterways management, including regulation for regattas and marine parades;

"(8) the exercise of authority under section 91 of title 46, United States Code, to regulate the operation of vessels engaged in fishing or other commercial activities.

"(9) the operation, regulation, inspection, identification, manning, and measurement of vessels, including plan approval and the application of load lines;

"(10) approval of materials, equipment, appliances, and associated equipment;

"(11) the reporting and investigation of marine casualties and accidents;

"(12) the licensing, certification, documentation, protection and relief of merchant seamen;

"(13) suspension and revocation of licenses and certificates;

"(14) enforcement of manning requirements, citizenship requirements, control of log books;

"(15) documentation and numbering of vessels;

"(16) State boating safety programs;

"(17) commercial instruments and maritime liens;

"(18)aiming, experience, and qualifications in marine safety are provided at the Coast Guard Academy, and during other officer accession programs, to give Coast Guard officers and other officer candidates a background and understanding of the marine safety program. These courses may include such topics as program history, vessel design, construction, vessel protection and relief of merchant seamen, maritime law, and administrative law and regulations.

"(e) CLERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following new item:


"(f) TITLE VI—MARINE SAFETY

SEC. 622. VESSEL SIZE LIMITS.

(a) LENGTH, TONNAGE, AND HORSEPOWER.—

Section 12113(l)(2) of title 46, United States Code, is amended—

"(1) by striking "and" after the semicolon at the end of subparagraph (A)(i) of this subsection;

"(2) by striking "and" at the end of subparagraph (A)(ii) of this subsection;

"(3) by striking the period at the end of subparagraph (B) and inserting a semicolon;

"(4) by inserting a period at the end of this subsection.

(b) C LERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following new item:

"200. Vessel size limits.
(g) Vessel Rebuilding and Replacement.

(1) In general.—

(A) Rebuild or replace.—Notwithstanding the prohibition to the vessel being replaced, rebuilding, or lengthening vessels or transferring permits or licenses to a replacement vessel contained in sections 679.2 and 679.4 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2010 and except as provided in paragraph (4), the owner of a vessel eligible under subsection (a), (b), or (c) in order to improve vessel safety and operational efficiencies (including fuel efficiency), may rebuild or replace that vessel (including fuel efficiency) with a vessel that has a fishery endorsement under section 12113 of title 46, United States Code.

(B) Same requirements.—The rebuilt or replacement vessel shall be eligible in the same manner and subject to the same restrictions and limitations under this subsection as the vessel being rebuilt or replaced.

(C) Transfer of permits and licenses.—Each fishing permit and license held by the owner of a vessel or vessels to be rebuilt or replaced under subparagraph (A) shall be eligible in the same manner as the vessel prior to the rebuilding or the vessel it replaced, respectively.

(2) Recommendations of North Pacific Fishery Management Council.—The North Pacific Fishery Management Council may recommend for approval by the Secretary such conservation and management measures, including size limits and measures to control fishing capacity, in accordance with the Magnuson-Stevens Act as it considers necessary to ensure that this subsection does not diminish the effectiveness of fishery management plans of the Bering Sea and Aleutian Islands Management Area or the Gulf of Alaska.

(3) Special Rule for Replacement of Certain Vessels.—

(A) In general.—Notwithstanding the requirements of paragraphs (b)(2) and (c)(2) of section 12113 of title 46, United States Code, a vessel that is eligible under subsection (a), (b), or (c) and that qualifies with a fishery endorsement pursuant to section 211(g) may be replaced with a replacement vessel under paragraph (1) if the vessel that is replaced is validly documented with a fishery endorsement pursuant to section 211(g) before the replacement vessel is documented with a fishery endorsement under section 12113 of title 46, United States Code.

(B) Applicability.—A replacement vessel under subparagraph (A) and its owner and mortgagees are subject to the same limitations under section 213(g) that are applicable to the vessel that has been replaced and its owner and mortgagee.

(4) Special Rules for Certain Catcher Vessels.

(A) In general.—A replacement for a covered vessel described in subparagraph (B) is prohibited from harvesting fish in any fishery (except for the Pacific whiting fishery) managed under the authority of any Regional Fishery Management Council (other than the North Pacific Fishery Management Council established under section 302(a) of the Magnuson-Stevens Act).

(B) Covered Vessels.—A covered vessel referred to in subparagraph (A) is—

(i) under subsection (a), (b), or (c) that is replaced under paragraph (1); or

(ii) a vessel eligible under subsection (a), (b), or (c) that is rebuilt to increase its registered length, gross tonnage, or shaft horsepower.

(5) Limitation on fishery endorsements.—Any vessel that is replaced under this subsection shall thereafter not be eligible for a fishery endorsement under section 12113 of title 46, United States Code, unless that vessel is also a replacement vessel described in paragraph (1).

(6) Gulf of Alaska limitation.—Notwithstanding paragraph (1), the Secretary shall prohibit from participation in the groundfish fisheries of the Gulf of Alaska any vessel that is built or placed under this subsection and that exceeds the maximum length overall specified on the license that authorizes fishing for groundfish pursuant to the license limitation program under part 679 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2010.

(7) Authority of Pacific Council.—Nothing in this section shall be construed to diminish or otherwise affect the authority of the Pacific Council to recommend to the Secretary conservation and management measures to protect fisheries under its jurisdiction (including the Pacific whiting fishery) and participants in such fisheries from adverse impacts caused by this Act.

(2) Repeal of Exemption of Certain Vessels.—Section 203(g) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681-620) is repealed.

(3) Fishery Cooperative Exit Provisions.—Section 218(b) of the American Fisheries Act (title II of division C of Public Law 105-277; 112 Stat. 2681-620) is amended—

(A) by moving the matter beginning with “the Secretary shall” in paragraph (1) 2 ems to the right; and

(B) by adding at the end the following:

“(7) fishery cooperative exit provisions.—

(A) fishing allowance determination.—For purposes of determining the aggregate percentage of directed fishing allowances under paragraph (1), when a catcher vessel is removed from the directed pollock fishery, the fishery allowance for pollock for the vessel being removed—

(i) shall be based on the catch history determined for the vessel made pursuant to section 679.62 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2010; and

(ii) shall be assigned, for all purposes under this title, to the owner of the vessel being removed to any other catcher vessel or among other catcher vessels participating in the fishery cooperative if such vessel or vessels remain in the fishery for a period of at least one year after the date on which the vessel being removed leaves the directed pollock fishery.

(B) Eligibility for fishery endorsement.—Except as provided in subparagraph (C), a vessel that is removed pursuant to this paragraph shall be permanently ineligible for a fishery endorsement, and any claim (including relating to catch history) associated with such vessel that could qualify any owner of such vessel for any permit to participate in any fishery within the exclusive economic zone of the United States shall be extinguished, unless such removed vessel is thereafter designated to replace a vessel to be removed pursuant to this paragraph.

(C) Exemptions.—Nothing in this paragraph shall be construed—

(i) to make the vessels BC (United States official number 1062183); DONA MARTITA (United States official number 651751); NORDIC EXPLORER (United States official number 678234), and PROVIDIAN (United States official number 1062183) ineligible for a fishery endorsement or any permit necessary to participate in any fishery under the authority of the New England Fishery Management Council or the Mid-Atlantic Fishery Management Council established, respectively, under subparagraphs (A) and (B) of section 306 of the Magnuson-Stevens Act or

(ii) to allow the vessels referred to in clause (i) to participate in any fishery under the authority of the Councils referred to in clause (i) in any manner consistent with the fishery management plan for the fishery developed by the Councils under section 303 of the Magnuson-Stevens Act.

SEC. 603. Cold Weather Survival Training.

The Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the efficacy of cold weather survival training provided under the authority of the Coast Guard over the preceding 5 years. The report shall include plans for conducting such training in fiscal years 2010 through 2013.

SEC. 604. Fishing Vessel.—

(a) Safety Standards.—Section 4022 of title 46, United States Code, is amended—

(1) in subsection (a), by—

(A) striking paragraphs (6) and (7) and inserting the following:

“(6) other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment; and”;

and

(B) redesignating paragraph (6) as paragraph (5);

(2) in subsection (b)—

(A) in paragraph (1) in the matter preceding subparagraph (A), by striking “documented”;

(B) in paragraph (1)(A), by striking “the Boundary Line” and inserting “3 nautical miles from the baseline from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes”;

(C) in paragraph (2)(B), by striking “lifeboat or liferaft” and inserting “a survival craft that ensures that no part of an individual is immersed in water”;

(D) in paragraph (2)(D), by inserting “marine” before “radio”;

(E) in paragraph (2)(E), by striking “radar reflectors, nautical charts, and anchors” and inserting “nautical charts, and publications”;

(F) in paragraph (2)(F), by striking “, including medicine chests” and inserting “and medical supplies sufficient for the size and area of operation of the vessel”; and

(G) by amending paragraph (2)(G) to read as follows:

“(G) ground tackle sufficient for the vessel.”;

(3) by amending subsection (f) to read as follows:

“(f) To ensure compliance with the requirements of this chapter, the Secretary—

(i) shall require the individual in charge of a vessel described in subsection (b) to keep a record of equipment maintenance, and required instruction and drills; and

(ii) shall examine at dockside a vessel described in subsection (b) at least once every 2 years, and shall issue a certificate of compliance to a vessel meeting the requirements of this chapter.”;

and

(4) by adding at the end the following:

“(7) the individual in charge of a vessel described in subsection (b) must pass a training program approved by the Secretary that
meets the requirements in paragraph (2) of this subsection and hold a valid certificate issued under that program.

(2) The training program shall—

(A) provide professional knowledge and skill obtained through sea service and hands-on training, including training in seamanship, stability, collision prevention, navigation, weather, fire protection and prevention, damage control, personal survival, emergency medical care, emergency drills, and weather

(B) require an individual to demonstrate ability to communicate in an emergency situation and understand information found in navigation publications

(C) recognize and give credit for recent past experience in fishing vessel operation; and

(D) provide for issuance of a certificate to an individual that has successfully completed the program.

(3) The Secretary shall prescribe regulations implementing this subsection. The regulations shall require that individuals who are issued a certificate under paragraph (2)(D) must complete refresher training at least every 5 years as a condition of maintaining the validity of the certificate.

(4) The Secretary shall establish a publicly accessible electronic database listing the names of individuals who have participated in and received a certificate confirming successful completion of a training program approved by the Secretary under this subsection.

(h) A vessel to which this chapter applies shall be constructed in a manner that provides a level of safety equivalent to the minimum safety standards the Secretary may establish for recreational vessels under section 4302, if—

(1) subsection (b) of this section applies to the vessel;

(2) the vessel is less than 50 feet overall in length; and

(3) the vessel is built after January 1, 2010.

(i)(1) The Secretary shall establish a Fishing Safety Training Grants Program to provide funding to municipalities, port authorities, other appropriate public entities, not-for-profit organizations, and other qualified persons that provide commercial fishing safety training.

(A) to conduct fishing vessel safety training for vessel operators and crewmembers that—

(i) in the case of vessel operators, meets the requirements of subsection (g); and

(ii) in the case of crewmembers, meets the requirements of subsection (g)(2)(A), such requirements of subsection (g)(2)(B) as are appropriate for crewmembers, and the requirements of subsections (g)(2)(D), (g)(3), and (g)(4); and

(B) for purchase of safety equipment and training aids for use in those fishing vessel safety training programs.

(2) The Secretary shall award grants under this subsection on a competitive basis.

(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 75 percent.

(4) There is authorized to be appropriated $3,000,000 for each of fiscal years 2010 through 2014 for activities under this subsection.

(j)(1) The Secretary shall establish a Commercial Fishing Safety Advisory Committee:

and (b) in subsection (a) by striking “Industry Vessel”;

(2) Membership requirements.—Section 4506(b)(1) of that title is amended—

(A) by striking “seventeen” and inserting “eighteen”;

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “from the commercial fishing industry who—” and inserting “who shall represent the commercial fishing industry and who—”;

(ii) in clause (ii), by striking “an un inspected” and inserting “a”;

(C) in subparagraph (B) and inserting the following:

(B) three members who shall represent the general public, including, whenever possible—

(i) an independent expert or consultant in maritime safety;

(ii) a marine surveyor who provides services to vessels to which this chapter applies; and

(iii) a person familiar with issues affecting fishing communities and families of fishermen; and

(D) in subparagraph (C)—

(i) in the matter preceding clause (i), by striking “representing each of—” and inserting “each of whom shall represent—”;

(ii) in clause (i), by striking “or marine surveyors;” and inserting “and marine engineers;”;

(iii) in clause (iii), by striking “and” after the semicolon at the end;

(iv) in clause (iv), by striking the period at the end and inserting “; and”;

(v) by adding at the end the following new clause:

“(v) owners of vessels to which this chapter applies.”;

(3) Termination.—Section 4506(e)(1) of that title is amended by striking “September 30, 2010,” and inserting “September 30, 2020,”.

(4) Clerical Amendment.—The table of sections at the beginning of chapter 45 of title 46, United States Code, is amended by striking the item relating to such section and inserting the following:

“4506. Commercial Fishing Safety Advisory Committee.”;

(d) Loadlines for Vessels 79 Feet or Greater in Length.—

(1) Limitation on exemption for fishing vessels.—Section 5102(b)(3) of title 46, United States Code, is amended by inserting after “vessel” the following “, unless the vessel is built after July 1, 2012.”;

(2) Alternate program for certain fishing vessels.—Section 5103 of title 46, United States Code, is amended, by adding at the end the following:

“(c) A fishing vessel built on or before July 1, 2012, that undergoes a substantial change to the dimension of or type of the vessel completed after the later of July 1, 2012, or the date the Secretary establishes standards for an alternate loadline compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary.

(e) Classing of vessels.—

(1) In general.—Section 5403 of title 46, United States Code, is amended—

(A) by striking the section heading and inserting the following:

“§ 5403. Fishing, fish tender, and fish processing vessel certification”; and

(B) in subsection (a) by striking “fish processing vessel”;

and (c) by adding at the end the following:

“(c) This section applies to a vessel to which section 5402(b) of this title applies that is at least 50 feet overall in length and is built after July 1, 2012.

(2) A fishing vessel, fish processing vessel, or fish tender vessel built before July 1, 2012, that undergoes a substantial change to the dimension of or type of vessel completed after the later of July 1, 2012, or the date the Secretary establishes standards for an alternate loadline compliance program, shall comply with such an alternate loadline compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary.

(f) Alternative safety compliance programs may be developed for purposes of paragraph (i) for specific regions and fisheries.

(4) Notwithstanding paragraph (1), vessels owned by a person that owns more than 30 vessels subject to that paragraph are not required to meet the alternate safety compliance requirements of this subsection until January 1, 2030, if that owner enters into a compliance agreement with the Secretary that provides for a fixed schedule for all of these vessels owned by that person that meets the requirements of that paragraph by that date and the vessel owner is meeting that schedule.

(g) A fishing vessel, fish processing vessel, or fish tender vessel to which section 5402(b) of this title applies that was classed before July 1, 2012, shall—

(1) remain subject to the requirements of a classification society approved by the Secretary; and

(2) have on board a certificate from that society.”;

(ii) in subsection (a), by striking “§ 4508. Commercial Fishing Safety Advisory Committee.”.

(3) Conforming Amendment.—Section 4503(d) of title 46, United States Code, is amended—

(1) The Secretary of the department in which the Coast Guard is operating shall—

(A) establish a Fishing, fish tender, and fish processing vessel certification program.

(B) in subsection (a) by striking “fish processing vessel”;

and

(C) by adding at the end the following:

“(3) Alternative safety compliance programs may be developed for purposes of paragraph (i) for specific regions and fisheries.

(4) Notwithstanding paragraph (1), vessels owned by a person that owns more than 30 vessels subject to that paragraph are not required to meet the alternate safety compliance requirements of this subsection until January 1, 2030, if that owner enters into a compliance agreement with the Secretary that provides for a fixed schedule for all of these vessels owned by that person that meets the requirements of that paragraph by that date and the vessel owner is meeting that schedule.

(5) A fishing vessel, fish processing vessel, or fish tender vessel to which section 5402(b) of this title applies that was classed before July 1, 2012, shall—

(1) remain subject to the requirements of a classification society approved by the Secretary; and

(2) have on board a certificate from that society.”;

(2) Clerical Amendment.—The table of sections at the beginning of chapter 45 of title 46, United States Code, is amended by striking the item relating to such section and inserting the following:

“4503. Fishing, fish tender, and fish processing vessel certification.”;

(3) Conforming Amendment.—No later than January 1, 2017, the Secretary of the department in which the Coast Guard is operating shall prescribe an alternative loadline compliance program referred to in section 5403(d)(1) of the title 46, United States Code, as amended by this section.

(4) $605, Mariner Records.

Section 7502 of title 46, United States Code, is amended—
2118. Establishment of equipment standards

(a) In establishing standards for approved equipment required on vessels subject to part B of this title, the Secretary shall establish standards that are—

(1) based on performance using the best available technology that is economically achievable;

(2) operationally practical.

(b) Using the standards established under subsection (a), the Secretary may also certify that equipment is not required to be carried on vessels subject to part B of this title to ensure that such equipment is suitable for its intended purpose.

(c) At least once every 10 years the Secretary shall review and revise the standards established under subsection (a) to ensure that the standards meet the requirements of this section.

(2) by redesignating subsection (c) as subsection (b) of this section.

§ 3104. Survival craft.

(a) Except as provided in subsection (b), the Secretary may not approve a survival craft as meeting the requirements of this section if—

(1) the craft is not available in the sizes and capacities that are—

(A) based on the needs of the various coastal areas and nations that are described in subsection (a) to remain in service until not later than January 1, 2015; if—

(B) it was approved by the Secretary before January 1, 2010; and

(C) it is in service until not later than January 1, 2015, if—

(i) it was approved by the Secretary before January 1, 2010; and

(ii) it is in service until not later than January 1, 2015.

(b) Using the standards established under section 3103, the Secretary may order the individual in charge of a vessel to which this title applies to immediately take reasonable steps necessary for the safety of individuals on board the vessel.

(c) A person violating this section, or a regulation prescribed under this section, is liable to the United States Government for a civil penalty of not more than $5,000.

§ 3106. Safety management systems.

(a) In general.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following:

(2) by redesignating subsection (c) as subsection (b) of this section.

§ 3108. Approvals of survival craft.

(a) In general.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following new section:

§ 3109. Additional logbook and entry requirements.

(a) A vessel of the United States that is—

(1) a vessel on a voyage from a port in the United States to a port in Canada, or from a port in Canada to a port in the United States, or from a port in the United States to a port in a country other than Canada, or from a port in Canada to a port in a country other than the United States, or from a port in a country other than Canada to a port in the United States, or from a port in the United States to a port in a country other than Canada; and

(2) operationally practical.

(b) The Secretary may prescribe regulations requiring a vessel owner or managing operator of a vessel to which this title applies to maintain records of the vessel, to maintain records of each individual engaged on the vessel subject to inspection under chapter 33 on matters of engagement, discharge, and service that are not less than 5 years after the date of the completion of the service of that individual on the vessel. The regulations may require that a vessel owner, managing operator, or officer shall make these records available to the individual and the Coast Guard on request.

(c) A person violating this section, or a regulation prescribed under this section, is liable to the United States Government for a civil penalty of not more than $5,000.

§ 3110. Approval of voyage documentation systems.

(a) In general.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following new section:

§ 3112. Standards.

(a) In general.—Chapter 113 of title 46, United States Code, is further amended by adding at the end the following new section:

§ 3114. Survivability.

(a) Except as provided in subsection (b), the Secretary may not approve a survival craft as meeting the requirements of this section if—

(1) the craft is not available in the sizes and capacities that are—

(A) based on the needs of the various coastal areas and nations that are described in subsection (a) to remain in service until not later than January 1, 2015; if—

(B) it was approved by the Secretary before January 1, 2010; and

(C) it is in service until not later than January 1, 2015, if—

(i) it was approved by the Secretary before January 1, 2010; and

(ii) it is in service until not later than January 1, 2015.

(b) Using the standards established under section 3103, the Secretary may order the individual in charge of a vessel to which this title applies to immediately take reasonable steps necessary for the safety of individuals on board the vessel.

(c) A person violating this section, or a regulation prescribed under this section, is liable to the United States Government for a civil penalty of not more than $5,000.

§ 3116. Approval of voyage documentation systems.

(a) In general.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following new section:

§ 3118. Establishment of equipment standards.

(a) In establishing standards for approved equipment required on vessels subject to part B of this title, the Secretary shall establish standards that are—

(1) based on performance using the best available technology that is economically achievable;

(2) operationally practical.

(b) Using the standards established under subsection (a), the Secretary may also certify that equipment is not required to be carried on vessels subject to part B of this title to ensure that such equipment is suitable for its intended purpose.

(c) At least once every 10 years the Secretary shall review and revise the standards established under subsection (a) to ensure that the standards meet the requirements of this section.

(2) by redesignating subsection (c) as subsection (b) of this section.

§ 3120. Approval of voyage documentation systems.

(a) In general.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following new section:

§ 3122. Approval of voyage documentation systems.

(a) In general.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following new section:

§ 3124. Approval of voyage documentation systems.

(a) In general.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following new section:

§ 3126. Approval of voyage documentation systems.

(a) In general.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following new section:

§ 3128. Approval of voyage documentation systems.

(a) In general.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following new section:

§ 3130. Approval of voyage documentation systems.

(a) In general.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following new section:

§ 3132. Approval of voyage documentation systems.

(a) In general.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following new section:

§ 3134. Approval of voyage documentation systems.

(a) In general.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following new section:

§ 3136. Approval of voyage documentation systems.

(a) In general.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following new section:

§ 3138. Approval of voyage documentation systems.

(a) In general.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following new section:

§ 3140. Approval of voyage documentation systems.

(a) In general.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following new section:

§ 3142. Approval of voyage documentation systems.

(a) In general.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following new section:

§ 3144. Approval of voyage documentation systems.

(a) In general.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following new section:

§ 3146. Approval of voyage documentation systems.

(a) In general.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following new section:

§ 3148. Approval of voyage documentation systems.
(f) PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINERS’ DOCUMENTS.—

(1) IN GENERAL.—Except as provided in subsection (g), a merchant mariner’s document issued under this chapter may be renewed for a 5-year period and may be renewed for additional 5-year periods.

(2) ADVANCE RENEWALS.—A renewed merchant mariner’s document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner’s document expires or until the completion of any administrative suspensions or revocations of that previously issued merchant mariner’s document, whichever is later.

(b) CERTIFICATES OF REGISTRY.—Section 7106 of such title is amended to read as follows:

§ 7106. Duration of licenses

(1) IN GENERAL.—A license issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class license issued by the Federal Communications Commission.

(2) ADVANCE RENEWALS.—A renewed license issued under this part may be renewed up to 8 months in advance but is not effective until the date that the previously issued license expires or until the completion of any administrative suspensions or revocations of that previously issued merchant mariner’s document, whichever is later.

(c) CERTIFICATES OF REGISTRY.—Section 7107 of such title is amended to read as follows:

§ 7107. Duration of certificates of registry

(1) IN GENERAL.—A certificate of registry issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

(2) ADVANCE RENEWALS.—A renewed certificate of registry issued under this part may be renewed up to 8 months in advance but is not effective until the date that the previously issued certificate of registry expires or until the completion of any administrative suspensions or revocations of that previously issued merchant mariner’s document, whichever is later.

SEC. 615. AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS’ DOCUMENTS.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

§ 7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents

(1) LICENSES.—A license issued under chapter 73 for an individual under such title is amended to read as follows:

(2) CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107, the Secretary may extend the expiration date of such certificate of registry or in response to a national emergency, or production of offshore mineral or energy resources. Individuals qualified as able seamen—limited under section 7308 of such title may constitute all of the able seamen required on board a vessel of at least 500 gross tons as measured under section 14502 of such title, or 6,000 gross tons as measured under section 14302 of such title engaged in support of exploration, exploitation, or production of offshore mineral or energy resources.

(c) MINIMUM NUMBER OF LICENSED INDIVIDUALS.—Section 8301(b) of title 46, United States Code, is amended to read as follows:

SEC. 616. MERCHANT MARINER ASSISTANCE PORT.

Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report regarding the feasibility of expanding the streamlined evaluation process program that was affiliated with the Houston Regional Examination Center of the Coast Guard to all processing centers of the Coast Guard nationwide;

(2) including proposals to simplify the application process for a license as an officer, a licensed master, or a medical doctor or professional nurse; and a modified application form for renewals and a process to allow the applicant to check on the status of the pending application, including a process to allow the applicant to check on the status of the application by electronic means; and

(4) ensuring that all information collected with respect to applications for new or renewed licenses, merchant mariner documents, and certificates of registry is retained in a secure electronic format.

SEC. 617. OFFSHORE SUPPLY VESSELS.

(a) REMOVAL OF TONNAGE LIMITS.—(1) IN GENERAL.—Section 2101(19) of title 46, United States Code, is amended by striking—

(2) An offshore supply vessel of at least 6,000 gross tons as measured under section 14502 of such title may constitute all of the able seamen required on board a vessel of at least 500 gross tons as measured under section 14502 of such title, or 6,000 gross tons as measured under section 14302 of such title engaged in support of exploration, exploitation, or production of offshore mineral or energy resources.

(b) SCALE OF EMPLOYMENT: ABLE SEAMEN.—Notwithstanding sections 7106 and 7107 of such title, the Secretary may constitute all of the able seamen required on board a vessel of at least 500 gross tons as measured under section 14502 of such title, or 6,000 gross tons as measured under section 14302 of such title engaged in support of exploration, exploitation, or production of offshore mineral or energy resources.

(c) OIL FUEL TANK PROTECTION.—An offshore supply vessel of at least 6,000 gross tons as measured under section 14502 of such title may constitute all of the able seamen required on board a vessel of at least 500 gross tons as measured under section 14502 of such title, or 6,000 gross tons as measured under section 14302 of such title engaged in support of exploration, exploitation, or production of offshore mineral or energy resources.

(d) WATERS.—Section 8104(g) of title 46, United States Code, is amended by adding at the end the following:

(e) OIL FUEL TANK PROTECTION.—An offshore supply vessel of at least 6,000 gross tons as measured under section 14502 of such title, or an alternate tonnage measured under section 14302 of such title as prescribed by the Secretary under section 14104 of such title, may not be operated without a licensed master.

(f) APPLICATION.—An offshore supply vessel of at least 6,000 gross tons as measured under section 14502 of such title if the individuals engaged on the vessel are in compliance with hours of service requirements (including record-keeping of that service) as prescribed by the Secretary.
SEC. 618. ASSOCIATED EQUIPMENT.
Section 2101(1)(B) of title 46, United States Code, is amended by inserting “with the exception of emergency locator beacons for recreational vessels operating beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured or beyond 5 nautical miles from the coastline of the Great Lake, before ‘does’.”

SEC. 619. LIFESAVING DEVICES ON UNINSPECTED AND PERSONNEL VESSELS.
Section 4102(b) of title 46, United States Code, is amended to read as follows: “(b) The Secretary shall prescribe regulations requiring the installation, maintenance, and use of life preservers and other lifesaving devices for individuals on board uninspected vessels.”

SEC. 620. STUDY OF BLENDED FUELS IN MARINE APPLICATION.
(a) SURVEY.—
(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall conduct a comprehensive study on the operation, durability, and performance of recreational and commercial marine engines, vessels, and marine engine and vessel components and associated equipment; and
(2) DURATION.—The survey required in subsection (a), shall include data and reports on—
(1) the impact of blended fuel on the operation, durability, and performance of recreational and commercial marine engines, vessels, and marine engine and vessel components and associated equipment; and
(2) the safety impacts of blended fuels on consumers that own and operate recreational and commercial marine engines and marine engine components and associated equipment; and
(C) fires and explosions on board vessels propelled by engines using blended fuels.
(b) STUDY.—
(1) IN GENERAL.—Not later than 36 months after the date of enactment of this Act, the Secretary, acting through the Commandant of the Coast Guard, shall conduct a comprehensive study on the use, safety, and performance of blended fuels in marine applications. The Secretary is authorized to conduct such study in conjunction with—
(A) any other Federal agency; and
(B) any State government or agency; and
(C) any private entity, including engine and vessel manufacturers.

(2) EVALUATION.—The study shall include an evaluation of—
(A) the impact of blended fuel on the operation, durability, and performance of recreational and commercial marine engines, vessels, and marine engine and vessel components and associated equipment; and
(B) the safety impacts of blended fuels on consumers that own and operate recreational and commercial marine engines and marine engine components and associated equipment; and
(C) fires and explosions on board vessels propelled by engines using blended fuels.
(c) AUTHORIZATION OF APPROPRIATIONS.—
There is authorized to be appropriated to the Secretary of Homeland Security to carry out the survey and study under this section $1,000,000.

SEC. 621. RENEWAL OF ADVISORY COMMITTEES.
(a) GREAT LAKES PILOTAGE ADVISORY COMMITTEE.—Section 9307(b)(1) of title 46, United States Code, is amended by striking “September 30, 2010.” and inserting “September 30, 2020.”
(b) NATIONAL BOATING SAFETY ADVISORY COMMITTEE.—Section 13110 of title 46, United States Code, is amended—
(1) in subsection (d), by striking the first sentence, and
(2) in subsection (e), by striking “September 30, 2010.” and inserting “September 30, 2020.”
(c) HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.—Section 18(h) of the Coast Guard Authorization Act of 1991 (Public Law 102-241 as amended by Public Law 104-324) is amended—
(1) in the matter preceding paragraph (1), by striking “twenty-four” and inserting “twenty-five”;
and
(2) by adding at the end the following new paragraph:
“(12) One member representing the Associated Federal Pilots and Docking Masters of Louisiana;”;
and
(2) in subsection (g), by striking “September 30, 2010.” and inserting “September 30, 2020.”
(d) TOWING SAFETY ADVISORY COMMITTEE.—The Act entitled “An Act To establish a Towing Safety Advisory Committee in the Department of Transportation”, approved October 6, 1980, (33 U.S.C. 1231a) is amended—
(1) in subsection (a) and inserting the following:
“(a) There is established a Towing Safety Advisory Committee (hereinafter referred to as the ‘Committee’). The Committee shall consist of eighteen members possessing particular expertise, knowledge, and experience regarding shallow-draft inland and coastal waterway navigation and towing safety as follows:
(1) Seven members representing the barge and towing industry, reflecting a regional geographic balance;
(2) One member representing the offshore mineral and oil supply vessel industry;
(3) One member representing holders of active licensed Masters or Pilots of towing vessels with experience on the Western Rivers and the Gulf Intracoastal Waterway;
(4) One member representing the holders of active licensed Masters of towing vessels in offshored service;
(5) One member representing Masters who are active ship-docking or harbor towing vessel;
(6) One member representing licensed or unlicensed towing vessel engineers with formal training and experience;
(7) Two members representing each of the following groups:
(A) Port districts, authorities, or terminal operators.
(B) Shippers (of whom at least one shall be engaged in the shipment of oil or hazardous materials by barge);
(C) Two members representing the general public;”;
and
(2) in subsection (e), by striking “September 30, 2010.” and inserting “September 30, 2020.”
(e) INLAND NAVIGATION SAFETY ADVISORY COUNCIL.—Section 5 of the Inland Navigational Rules of 1980 (33 U.S.C. 2073) is amended—
(1) by striking subsections (a) and (b) and inserting the following:
“(a) ESTABLISHMENT OF COUNCIL.—
(1) IN GENERAL.—The Secretary of the Department of Transportation, in which the Coast Guard is operating, shall establish a Navigation Safety Advisory Council (hereinafter referred to as the
as meeting acceptable standards for such a society, for a United States offshore facility, the Secretary shall issue a final rule in each pending rulemaking regarding inspection requirements as to—

(A) what steps have been completed; and

(B) the date by which a final rule may reasonably be expected to be issued.

(b) FINAL RULES.—The Secretary shall issue a final rule in each pending rulemaking described in subsection (a) as soon as practicable, but in no event later than 18 months after the date of enactment of this Act.

(c) TOWING VESSELS.—No later than 90 days after the date of enactment of this Act, the Secretary shall issue a notice of proposed rulemaking regarding inspection requirements for towing vessels required under section 306(c) of title 46, United States Code. The Secretary shall issue a final rule pursuant to that rulemaking no later than one year after the date of enactment of this Act.

SEC. 792. OIL TRANSFERS FROM VESSELS.

(a) REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations to reduce the risk of oil spills in operations involving the transfer of oil from or to a tank vessel.

The regulations—

(1) shall focus on operations that have the highest risks of discharge, including operations at night and in inclement weather;

(2) shall consider—

(A) requirements for the use of equipment, such as signaling devices, that can maintain operations in place for transfers, safety, and environmental impacts;

(B) operational procedures such as manning standards, communications protocols, and restrictions on operations in high-risk areas; and

(C) both such requirements and operational procedures; and

(3) shall take into account the safety of personnel and effectiveness of available procedures and equipment for preventing or mitigating transfer spills.

(b) INCONSISTENCY WITH STATE LAWS.—The regulations promulgated under subsection (a) do not preclude the enforcement of any
State law or regulation the requirements of which are at least as stringent as requirements under the regulations (as determined by the Secretary) that—
(1) governs the use of State waters; and
(2) does not conflict with, or interfere with the enforcement of, requirements and operational procedures under the regulations.

SEC. 703. DOCUMENTS TO REDUCE HUMAN ERROR AND NEAR MISS INCIDENTS.
(a) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure that, using available data—
(1) identifies the types of human errors that, combined, could cause oil spills, with particular attention to human error caused by fatigue, in the past 10 years;
(2) in consultation with representatives of industry and labor and experts in the fields of marine casualties and human factors, identifies the most frequent types of near-miss oil spill incidents involving vessels such as collisions, allisions, groundings, and loss of propulsion in the past 10 years;
(3) describes the extent to which there are gaps in the data required under paragraphs (1) and (2), including gaps in the ability to define and identify fatigue, and explains the reason for those gaps; and
(4) includes recommendations by the Secretary and representatives of industry and labor and experts in the fields of marine casualties and human factors to address the identified types of errors and any such gaps in the data.
(b) MAINTENANCE.—Based on the findings contained in the report required by subsection (a), the Secretary shall take appropriate action to reduce the risk of oil spills caused by human error.
(c) CONFIDENTIALITY OF VOLUNTARILY SUBMITTED INFORMATION.—The identity of a person making a voluntary disclosure under this section, and any information obtained from any such voluntary disclosure, shall be treated as confidential.
(d) DISCOVERY OF VOLUNTARILY SUBMITTED INFORMATION.—
(1) IN GENERAL.—Except as provided in this subsection, a court may not use discovery to obtain information or data collected or received by the Secretary for use in the report required in subsection (a).
(2) EXCEPTION.—
(A) A court may allow discovery of information or data, the court decides that there is a compelling reason to allow the discovery.
(B) When a court allows discovery in a judicial proceeding as permitted under this paragraph, the court shall issue a protective order—
(i) to limit the use of the data to the judicial proceeding; and
(ii) to prohibit dissemination of the data to any person who does not need access to the data for the proceeding.
(C) A court may allow discovery if it has decided is discoverable under this paragraph to be admitted into evidence in a judicial proceeding if the court determines the data under seal to prevent the use of the data for a purpose other than for the proceeding.
(D) APPLICABILITY.—Paragraph (1) shall not apply to—
(A) any disclosure made with actual knowledge that the disclosure was false, inaccurate, or misleading; or
(B) any statement made with reckless disregard as to the truth or falsity of that disclosure.
(e) RESTRICTION ON USE OF DATA.—Data that is voluntarily submitted for the purpose of the study required under subsection (a) shall not be used in an administrative action under chapter 77 of title 46, United States Code.

SEC. 704. OLYMPIC COAST NATIONAL MARINE SANCTUARY.
The Secretary of the Department in which the Coast Guard is operating and the Under Secretary of Commerce for Oceans and Atmosphere shall revise the area to be avoided off the coast of Washington so that restrictions apply to all vessels required to prepare a response plan pursuant to section 311(j) of the Federal Water Pollution Control Act (other than fishing or research vessels while engaged in fishing or research within the area to be avoided).

SEC. 705. PREVENTION OF SMALL OIL SPILLS.
(a) PREVENTION AND EDUCATION PROGRAM.—The Under Secretary of Commerce for Oceans and Atmosphere, in consultation with the Secretary of the Department in which the Coast Guard is operating and other appropriate agencies, shall establish an oil spill prevention and education program for small vessels.
(b) PROGRAM.—The program shall provide for assessment, outreach, and training and voluntary compliance activities to prevent and improve the effective response to oil spills from vessels and facilities not required to prepare a response plan or under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including recreational vessels, commercial fishing vessels, marinas, and aquaculture facilities. The Under Secretary may provide grants to sea grant colleges and institutes designated under section 3 of the National Sea Grant College Program Act (33 U.S.C. 1126) and to State agencies, tribal governments, and other appropriate entities to carry out—
(1) regional assessments to quantify the source, incidence and volume of small oil spills, focusing initially on regions in the country where, in the past 10 years, the incidence of such spills is estimated to be the highest;
(2) voluntary, incentive-based clean marine programs that encourage marina operators, marinas, and commercial vessels to engage in environmentally sound operating and maintenance procedures and best management practices to protect waters associated with marinas and marinas; and
(3) cooperative oil spill prevention education programs that promote public understanding of the need to prevent accidental spills from oil spills and other sources.
(c) COOPERATIVE ARRANGEMENTS.—The Coast Guard may enter into memoranda of agreement and associated protocols with Indian tribal governments to establish cooperative arrangements for oil pollution prevention, preparedness, and response. Such memoranda may be entered into prior to the development of the oil pollution prevention and coordination policy to provide Indian tribes grant and contract assistance. Such memoranda of agreement and associated protocols with Indian tribal governments may include—
(1) arrangements for the assistance of the tribal government to participate in the development of the National Contingency Plan and local Area Contingency Plans to the extent they affect tribal lands, cultural and natural resources;
(2) arrangements for the assistance of the tribal government to develop the capacity to implement the National Contingency Plan and local Area Contingency Plans to the extent they affect tribal lands, cultural and natural resources;
(3) provisions on coordination in the event of a spill, including agreements that representatives of the affected tribe will be included as part of the regional response team co-chaired by the Coast Guard and the Environmental Protection Agency to establish policies for response and coordination; and
(4) arrangements for the Coast Guard to provide training of tribal incident commanders and spill responders for oil spill preparedness and response.
(d) FUNDING FOR TRIBAL PARTICIPATION.—Subject to the availability of appropriations, the Commandant of the Coast Guard shall provide assistance to participating tribal governments in order to facilitate the implementation of cooperative arrangements under subsection (c) and ensure the participation of tribal governments in such arrangements. There are authorized to be appropriated to the Commandant $500,000 for each of fiscal years 2010 through 2014.

SEC. 706. IMPROVED COORDINATION WITH TRIBAL GOVERNMENTS.
(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall complete the development of a tribal consultation policy, which recognizes and protects to the maximum extent practicable tribal treaty rights and trust assets in order to improve the Coast Guard’s consultation and coordination with the tribal governments of affected Indian tribes with respect to oil spill prevention, preparedness, response and natural resource damage assessment.
(b) TRIBAL COOPERATIVE ARRANGEMENTS.—The Secretary of the Department in which the Coast Guard is operating shall ensure that representatives of the tribal government of the affected tribes are included as part of the incident command system established by the Coast Guard to respond to the spill;
(c) TRIBAL PARTICIPATION.—(1) the Coast Guard may enter into an arrangement with a tribal government to provide for Indian tribes grant and contract assistance. Such memoranda of agreement and associated protocols with Indian tribal governments may include—
(1) arrangements for the assistance of the tribal government to participate in the development of the National Contingency Plan and local Area Contingency Plans to the extent they affect tribal lands, cultural and
natural resources;
(2) arrangements for the assistance of the tribal government to develop the capacity to implement the National Contingency Plan and local Area Contingency Plans to the extent they affect tribal lands, cultural and natural resources;
(3) provisions on coordination in the event of a spill, including agreements that representatives of the affected tribe will be included as part of the regional response team co-chaired by the Coast Guard and the Environmental Protection Agency to establish policies for response and coordination;
(4) arrangements for the Coast Guard to provide training of tribal incident commanders and spill responders for oil spill preparedness and response;
(5) demonstration projects to assist tribal governments in building the capacity to protect tribal treaty rights and trust assets from oil spills; and
(6) such additional measures the Coast Guard determines to be necessary for oil pollution prevention, preparedness, and response.
(d) FUNDING FOR TRIBAL PARTICIPATION.—Subject to the availability of appropriations, the Commandant of the Coast Guard shall provide assistance to participating tribal governments in order to facilitate the implementation of cooperative arrangements under subsection (c) and ensure the participation of tribal governments in such arrangements. There are authorized to be appropriated to the Commandant $500,000 for each of fiscal years 2010 through 2014 to be used for carry out the activities described in this section.

SEC. 707. REPORT ON AVAILABILITY OF TECHNOLOGY TO DETECT THE LOSS OF OIL TO WATERS OF THE UNITED STATES.
Within 1 year after the date of enactment of this Act, the Secretary of the Department...
in which the Coast Guard is operating shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the availability, feasibility, and potential cost of technology to detect the loss of oil carried as cargo or as fuel on tank and non-tank vessels greater than 500 gross tons.

SEC. 708. USE OF OIL SPILL LIABILITY TRUST FUND.

(a) In general.—Section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following:

"(B) a description of how each such use of the Fund meets the requirements of subsection (a)."

(b) AGENCY RECORDKEEPING.—Each Federal agency that receives amounts from the Fund shall maintain records describing the purposes for which such funds were obligated or expended in such detail as the Secretary may require under paragraph (1)."

SEC. 709. INTERNATIONAL EFFORTS ON ENFORCEMENT.

The Secretary of the department in which the Coast Guard is operating, in consultation with the heads of other appropriate Federal agencies and the Coast Guard, shall ensure that the Coast Guard pursues stronger enforcement in the International Maritime Organization of agreements related to oil discharges, including joint enforcement operations amounting to, and stronger compliance mechanisms.

SEC. 710. HIGHER VOLUME PORT AREA REGULATORY DEFINITION CHANGE.

(a) In general.—With the date of enactment of this Act, the Comptroller General shall initiate a rulemaking proceeding to modify the definition of the term "higher volume port area" as defined in section 111 of the Oil Pollution Act of 1990 (33 U.S.C. 1261).

(b) Audit; annual reports.—Section 1012 of the Oil Pollution Act of 1990 (33 U.S.C. 2712) is amended—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure, and the Secretary of the Treasury that includes a detailed accounting of each disbursement from the Fund in excess of $500,000 that is—

(A) disbursed by the National Pollution Funds Center and not reimbursed by the responsible party; and

(B) administered and managed by the receiving Federal agencies, including final payments made to agencies and contractors and, to the extent possible, subcontractors.

(2) FREQUENCY.—The audits shall be conducted—

(A) at least once every 3 years after the date of enactment of the Coast Guard Authorization Act of 2010 until 2016; and

(B) at least once every 5 years after the last audit conducted under subparagraph (A).

(3) SUBMISSION OF RESULTS.—The Comptroller General shall submit the results of each audit conducted under paragraph (1) to—

(A) the Senate Committee on Commerce, Science, and Transportation;

(B) the House of Representatives Committee on Transportation and Infrastructure; and

(C) the Secretary or Administrator of each agency referred to in paragraph (1)(B), and

(2) by adding at the end thereof the following:

"(1) REPORTS.—

"(1) IN GENERAL.—Within one year after the date of enactment of the Coast Guard Authorization Act of 2010, and annually thereafter, through the Secretary of the Department in which the Coast Guard is operating, shall—

(A) provide a report on disbursements for the preceding fiscal year from the Fund, regardless of whether those disbursements were subject to annual appropriations, to—

(i) the Senate Committee on Commerce, Science, and Transportation; and

(ii) the House of Representatives Committee on Transportation and Infrastructure; and

(B) make the report available to the public on the National Pollution Funds Center Internet website.

(2) CONTENTS.—The report shall include—

(A) a list of each disbursement of $250,000 or more from the Fund during the preceding fiscal year; and

"(B) a description of how each such use of the Fund meets the requirements of subsection (a)."

"(3) AGENCY RECORDKEEPING.—Each Federal agency that receives amounts from the Fund shall maintain records describing the purposes for which such funds were obligated or expended in such detail as the Secretary may require under paragraph (1)."

SEC. 711. TUG ESCORTS FOR LADEN OIL VESSELS.

(a) Comparability analysis.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Commandant, in consultation with the Secretary of State, is strongly encouraged to enter into negotiations with the Government of Canada to update the comparability analysis which serves as the basis for the Cooperative Vessel Traffic Service Agreement between the United States and Canada for the management of maritime traffic in Puget Sound, the Strait of Georgia, Haro Strait, Rosario Strait, and the Strait of Juan de Fuca. The updated analysis shall, at a minimum, consider—

(A) requirements for laden tank vessels to be escorted by tugboats;

(B) vessel emergency response towing capability at the entrance to the Strait of Juan de Fuca; and

(C) spill response capability throughout the shared water, including oil spill response planning requirements for vessels bound for one nation transiting through the waters of the other nation.

(2) CONSULTATION REQUIREMENT.—In consultation with the heads of the Senate Committees on Commerce, Science, and Transportation and the House of Representatives Committees on Transportation and Infrastructure, the Commandant shall consult with the State of Washington and affected tribal governments.

(3) RECOMMENDATIONS.—Within 18 months after the date of enactment of this Act, the Commandant shall submit recommendations based on the analysis required under this subsection to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committees on Transportation and Infrastructure. The recommendations shall consider a full range of options for the management of maritime traffic, including Federal legislation, promulgation of Federal rules, and the establishment of agreements for shared funding of spill prevention and response systems.

(b) Dual escort vessels for double hulled tankers in Prince William Sound, Alaska.

(1) IN GENERAL.—Section 4116(c) of the Oil Pollution Act of 1990 (46 U.S.C. 3703 note) is amended—

(A) by striking "Not later than 6 months after the date of enactment of this Act," and inserting "(1) IN GENERAL.—The'; and

(B) by adding at the end the following:

"(2) PRINCE WILLIAM SOUND, ALASKA.—

"(A) IN GENERAL.—The requirement in paragraph (1) relating to single hulled tankers in Prince William Sound, Alaska, described in that paragraph being escorted by at least 2 towing vessels or other vessels considered to be appropriate by the Secretary (including regulations promulgated in accordance with such paragraph) is hereby amended to apply to double hulled tankers over 5,000 gross tons transporting oil in bulk in Prince William Sound, Alaska.

"(B) IN GENERAL.—The requirement in paragraph (1) relating to single hulled tankers in Prince William Sound, Alaska, described in that paragraph being escorted by at least 2 towing vessels or other vessels considered to be appropriate by the Secretary (including regulations promulgated in accordance with such paragraph) is hereby amended to apply to double hulled tankers over 5,000 gross tons transporting oil in bulk in Prince William Sound, Alaska."
enhance the safety, or lessen potential adverse environmental impacts, of marine shipping.

(b) Consultation.—Before making any recommendations under paragraph (1) for a region, the Area Committee shall consult with affected local, State, and Federal government agencies, representatives of the fishing industry, Alaska Natives from the region, the conservation community, and the merchant shipping and oil transportation industries.

(2) PROVISION TO CONGRESS.—The Commandant shall provide a copy of the assessment to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 112. EXTENSION OF FINANCIAL RESPONSIBILITY.

Section 1016(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(a)) is amended—

(1) by striking "or" after the semicolon in paragraph (1);

(2) by inserting "or" after the semicolon in paragraph (2); and

(3) by inserting after paragraph (2) the following:

"(3) any tank vessel over 100 gross tons using any place subject to the jurisdiction of the United States;".

SEC. 711. LIABILITY FOR USE OF SINGLE-HULL VESSELS.

Section 1003(32)(A) of the Oil Pollution Act of 1990 (33 U.S.C. 2703(32)(A)) is amended by inserting "In the case of a vessel, the term "responsible party" also includes the owner of oil being transported in a tank vessel with a single hull after December 31, 2010 (other than a vessel described in section 3703(a)(3) of title 46, United States Code)," after "vessel.".

TITLE VIII—PORT SECURITY

SEC. 801. AMERICA’S WATERWAY WATCH PROGRAM.

(a) In General.—Chapter 701 of title 46, United States Code, is amended by adding at the end thereof the following:

"§ 70122. Waterway watch program

"(a) Program Established.—There is hereby established, within the Coast Guard, the America’s Waterway Watch Program.

"(b) Program Functions.—The Secretary shall administer the Program in a manner that promotes voluntary reporting of activities that may indicate that a person or persons may be planning an act of terrorism or engaging in a violation of law relating to a threat or an act of terrorism (as that term is defined in section 3067 of title 18) against a vessel, facility, port, or waterway.

"(c) Information; Training.—

"(1) Information.—The Secretary may establish, as an element of the Program, a network of individuals and community-based organizations that encourage the public and industry to recognize activities referred to in subsection (b), promote voluntary reporting of such activity, and enhance the situational awareness within the Nation’s ports and waterways. Such network shall, to the extent practicable, be conducted in cooperation with Federal, State, and local law enforcement agencies.

"(2) Training.—The Secretary may provide training in—

"(A) observing and reporting on covered activities; and

"(B) sharing such reports and coordinating the response by Federal, State, and local law enforcement agencies.

"(d) Voluntary Participation.—Participation in the Program—

"(1) shall be wholly voluntary;

"(2) shall not be a prerequisite to eligibility for, or receipt of, any other service or assistance from, or to participation in, any other program of any kind; and

"(3) shall not require disclosure of information regarding the individual reporting covered activities for purposes of the location of such individual.

"(e) Coordination.—The Secretary shall coordinate the Program with other like programs involving the Department of Homeland Security to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on the Judiciary of the Senate.

"(f) Authorization of Appropriations.—There are authorized to be appropriated for the purposes of this section $3,000,000 for each of fiscal years 2011 through 2015. Such funds shall remain available until expended.

(b) Technical Amendment.—The table of contents for chapter 701 of title 46, United States Code, is amended by inserting after the item relating to section 70121 the following:

"70122. Waterway watch program.

SEC. 802. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL.

(a) In General.—Not later than 120 days after completion of a program under section 70105(k)(1) of title 46, United States Code, to test TWIC access control technologies at port facilities and vessels nationwide, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and to the Comptroller General a report containing an assessment of the results of the pilot. The report shall include—

"(1) the findings of the pilot program with respect to key technical and operational aspects of implementing TWIC technologies in the maritime sector;

"(2) a comprehensive listing of the extent to which established metrics were achieved during the pilot program; and

"(3) an analysis of the viability of those technologies for use in the maritime environment, including any challenges to implementing those technologies and strategies for mitigating those challenges.

(b) GAO Assessment.—The Comptroller General shall review the report and submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate an assessment of the report’s findings and recommendations.

SEC. 803. INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

Section 70122 of title 46, United States Code, is amended—

(1) by striking paragraph (3);

(2) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(3) by inserting before paragraph (2), as so redesignated, the following:

"(1) shall be voluntary;

"(ii) sensor management systems; and

"(ii) information of the viability of those technologies for use in the maritime environment, including any challenges to implementing those technologies and strategies for mitigating those challenges.

(b) MISSION.—The combined force of the specialized forces established under subsection (a) shall be trained, equipped, and capable of being deployed to—

"(1) deter, protect against, and rapidly respond to threats of maritime terrorism;

"(2) conduct maritime operations to protect against and disrupt illegal use, access to, or proliferation of weapons of mass destruction;

"(3) enforce moving or fixed safety or security zones established pursuant to law;

"(4) conduct high speed intercepts;

"(5) board, search, and seize any article or thing on board a vessel or facility found to present a risk to the vessel or facility, or to a port;

"(6) rapidly deploy to supplement United States armed forces domestically or overseas;

"(7) respond to criminal or terrorist acts so as to minimize, insofar as possible, the disruption caused by such acts; and

"(8) assist with facility vulnerability assessments required under this chapter; and

"(9) carry out any other missions of the Coast Guard as are assigned to it by the Secretary.

"(c) MINIMIZATION OF RESPONSE TIMES.—To the extent practicable, the combined force established under subsection (a)(2) shall, to the extent practicable, be stationed in such a way so as to minimize the response time to maritime terrorist threats and potential or actual transportation security incidents.

"(d) COORDINATION WITH OTHER AGENCIES.—To the maximum extent feasible, the combined force of the specialized forces established under subsection (a)(2) shall coordinate their activities with other Federal, State, and local law enforcement and emergency response agencies.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 701 of title 46, United States Code, is amended to read as follows:

"§ 70106. Deployable, specialized forces

"(a) In General.—Section 70106 of title 46, United States Code, is amended by adding as follows:

"(b) Establishment.—To enhance the domestic maritime security capability of the United States, the Secretary shall establish deployable specialized forces of varying capabilities as are needed to safeguard the public and protect vessels, harbors, ports, facilities, and cargo in waters subject to the jurisdiction of the United States from destruction, loss or injury from crime, or sabotage due to terrorist activity, and to respond to security incidents in accordance with the transportation security plans developed under section 70103.

"(2) Enhanced Teams.—Such specialized forces will include no less than two enhanced teams to serve as deployable forces capable of combating terrorism, engaging in interdiction, law enforcement, and advanced tactical maritime security operations to address known or potentially armed security threats (including non-compliant actors at sea), and participating in homeland security, homeland defense, and counterterrorism exercises in the maritime environment.

"(b) Mission.—The combined force of the specialized forces established under subsection (a) shall be trained, equipped, and capable of being deployed to—

"(1) deter, protect against, and rapidly respond to threats of maritime terrorism;

"(2) conduct maritime operations to protect against and disrupt illegal use, access to, or proliferation of weapons of mass destruction;

"(3) enforce moving or fixed safety or security zones established pursuant to law;

"(4) conduct high speed intercepts;

"(5) board, search, and seize any article or thing on board a vessel or facility found to present a risk to the vessel or facility, or to a port;

"(6) rapidly deploy to supplement United States armed forces domestically or overseas;

"(7) respond to criminal or terrorist acts so as to minimize, insofar as possible, the disruption caused by such acts; and

"(8) assist with facility vulnerability assessments required under this chapter; and

"(9) carry out any other missions of the Coast Guard as are assigned to it by the Secretary.

"(c) Minimization of Response Times.—To the extent practicable, the combined force established under subsection (a)(2) shall, to the extent practicable, be stationed in such a way so as to minimize the response time to maritime terrorist threats and potential or actual transportation security incidents.

"(d) Coordination With Other Agencies.—To the maximum extent feasible, the combined force of the specialized forces established under subsection (a)(2) shall coordinate their activities with other Federal, State, and local law enforcement and emergency response agencies.

(b) Clerical Amendment.—The table of contents for chapter 701 of title 46, United States Code,
States Code, is amended by striking the item relating to section 70106 and inserting the following:

"70106. Deployable, specialized forces.".

SEC. 805. CANINE DETECTION CANINE TEAM PROGRAM EXPANSION.

(a) DEFINITIONS.—For purposes of this section:

(1) CANINE DETECTION TEAM.—The term "canine detection team" means a canine and a canine handler that are trained to detect narcotics or explosives, or other threats as defined by the Secretary.

(2) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(b) DETECTION CANINE TEAMS.—Not later than one year after the date of enactment of this Act, and subject to the availability of appropriations, the Secretary shall—

(A) begin to increase the number of detection canine teams certified by the Coast Guard for the purposes of maritime-related security by no fewer than 10 canine teams annually through fiscal year 2012; and

(B) encourage owners and operators of port facilities, passenger cruise liners, oceangoing vessels, and other vessels identified by the Secretary as likely to encounter individuals suspected of making illegal border crossings through the maritime environment.

SEC. 806. COAST GUARD PORT ASSISTANCE PROGRAM.

(a) FOREIGN PORT ASSESSMENT.—Chapter 701 of title 46, United States Code, is amended—

(1) by adding at the end of section 70108 the following:

"(e) LIMITATION ON STATUTORY CONSTRUCTION.—The absence of an inspection of a foreign port shall not bar the Secretary from making a finding that a port in a foreign country does not maintain effective antiterrorism measures."); and

(2) in paragraph (2), by striking "the Secretary shall ensure the port remains in compliance with those standards and to maintain compliance with, or exceed, such standards;" and inserting "to maintain effective antiterrorism measures in the implementation of port security antiterrorism measures.");

(b) CANINE PROCUREMENT.—The Secretary, acting through the Commandant of the Coast Guard, shall procure detection canine teams as efficiently as possible, including, to the extent possible, through increased domestic breeding, while meeting the performance needs and criteria established by the Commandant.

(c) DEPLOYMENT.—The Secretary shall prioritize deployment of the additional canine teams to ports based on risk, consistent with the Security and Accountability For Every Port Act of 2002 (Public Law 108-347).

SEC. 807. MARITIME BIOMETRIC IDENTIFICATION.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is further amended by adding at the end the following:

"70123. Mobile biometric identification.

"(a) IN GENERAL.—Within one year after the date of the enactment of the Coast Guard Authorization Act of 2010, the Secretary shall conduct, in the maritime environment, a program for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security and for other purposes.

"(b) REQUIREMENTS.—The Secretary shall ensure the program required in this section is coordinated with other biometric identification programs within the Department of Homeland Security.

"(c) DEFINITION.—For the purposes of this section, the term 'biometric identification' means the use of fingerprint and digital photography images and facial and iris scan technology and any other technology considered applicable by the Department of Homeland Security.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of this chapter is amended by adding at the end the following: "70123. Mobile biometric identification.

"(c) IN GENERAL.—Within 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Comptroller General of the United States an analysis of the cost of expanding the Coast Guard's biometric identification capabilities for use by the Coast Guard and other appropriate Department of Homeland Security maritime vessels and units. The analysis may include a tiered plan for the deployment of this program that gives priority to vessels and units more likely to encounter individuals suspected of making illegal border crossings through the maritime environment.

SEC. 808. PILOT PROGRAM FOR FINGERPRINTING OF MARITIME WORKERS.

(a) IN GENERAL.—Within five years after the date of enactment of this Act, the Secretary of Homeland Security shall establish procedures providing for an individual who is required to be fingerprinted for purposes of obtaining a transportation security card under section 70105 of title 46, United States Code, the ability to be fingerprinted at any of not less than 20 facilities operated by or under contract with an agency of the Department of Homeland Security that fingerprints the public for the Department. These facilities shall be in addition to facilities established under section 70105 of title 46, United States Code.

(b) EXPIRATION.—The requirement made by subsection (a) expires one year after the date the facilities established under this subsection are required under that subsection.

SEC. 809. TRANSPORTATION SECURITY CARDS ON VESSELS.

Section 70105(b)(2) of title 46, United States Code, is amended—

(1) in subparagraph (B), by inserting after "title" the following: "allowed unescorted access to a secure area designated in a vessel security plan approved under section 70103 of this title"; and

(2) in paragraph (b), by inserting after "tank vessel" the following: "allowed unescorted access to a secure area designated in a vessel security plan approved under section 70103 of this title".

SEC. 810. AMENDMENT TO TITLE 46, UNITED STATES CODE.

(a) CLASSIFICATION.—Chapter 701 of title 46, United States Code, is further amended—

(1) in section 70110(a), by inserting after "A'' the following: "is amended—"

(2) in section 70110(c), by inserting after "FACILITIES," the following: "is amended—"

(b) CONFORMING AMENDMENTS.—The Secretary may provide equipment that the Secretary has determined will likely enhance security antiterrorism measures.

(c) REQUIREMENTS.—The Secretary shall provide equipment that the Secretary has determined will likely enhance security antiterrorism measures.

(d) PROVISIONS.—The Secretary shall provide equipment that the Secretary has determined will likely enhance security antiterrorism measures.

(e) COMBINATION BIOMETRICS.—The Secretary shall, to the extent possible, utilize the combination of biometric technologies to rapidly identify individuals for security purposes.

(f) TECHNICAL AMENDMENT.—The Secretary shall provide equipment that the Secretary has determined will likely enhance security antiterrorism measures.

(g) TECHNOLOGY—The Secretary shall provide equipment that the Secretary has determined will likely enhance security antiterrorism measures.

(h) TECHNOLOGY—The Secretary shall provide equipment that the Secretary has determined will likely enhance security antiterrorism measures.

(i) TECHNOLOGY—The Secretary shall provide equipment that the Secretary has determined will likely enhance security antiterrorism measures.

(j) TECHNOLOGY—The Secretary shall provide equipment that the Secretary has determined will likely enhance security antiterrorism measures.

(k) TECHNOLOGY—The Secretary shall provide equipment that the Secretary has determined will likely enhance security antiterrorism measures.

(l) TECHNOLOGY—The Secretary shall provide equipment that the Secretary has determined will likely enhance security antiterrorism measures.

SEC. 811. TRANSIT SECURITY CARDS ON VESSELS.

SEC. 812. SECURITY ALIASES.

SEC. 813. SECURITY ALIASES.

SEC. 814. SECURITY ALIASES.

SEC. 815. SECURITY ALIASES.

SEC. 816. SECURITY ALIASES.

SEC. 817. SECURITY ALIASES.

SEC. 818. SECURITY ALIASES.

SEC. 819. SECURITY ALIASES.

SEC. 820. SECURITY ALIASES.

SEC. 821. SECURITY ALIASES.

SEC. 822. SECURITY ALIASES.

SEC. 823. SECURITY ALIASES.

SEC. 824. SECURITY ALIASES.

SEC. 825. SECURITY ALIASES.

SEC. 826. SECURITY ALIASES.

SEC. 827. SECURITY ALIASES.

SEC. 828. SECURITY ALIASES.

SEC. 829. SECURITY ALIASES.

SEC. 830. SECURITY ALIASES.

SEC. 831. SECURITY ALIASES.

SEC. 832. SECURITY ALIASES.

SEC. 833. SECURITY ALIASES.

SEC. 834. SECURITY ALIASES.

SEC. 835. SECURITY ALIASES.

SEC. 836. SECURITY ALIASES.

SEC. 837. SECURITY ALIASES.

SEC. 838. SECURITY ALIASES.

SEC. 839. SECURITY ALIASES.

SEC. 840. SECURITY ALIASES.

SEC. 841. SECURITY ALIASES.

SEC. 842. SECURITY ALIASES.

SEC. 843. SECURITY ALIASES.
SEC. 810. MARITIME SECURITY ADVISORY COMMITTEES.

Section 70112 of title 46, United States Code, is amended—

(1) by amending subsection (b)(5) to read as follows:—

‘‘(5)(A) The National Maritime Security Advisory Committee shall be composed of—

‘‘(i) at least 1 individual who represents the interests of the port authorities;

‘‘(ii) at least 1 individual who represents the interests of the maritime industry;

‘‘(iii) at least 1 individual who represents the interests of the waterfront organizations;

‘‘(iv) at least 1 individual who represents the interests of the seafarers or maritime labor organizations; and

‘‘(v) at least 1 individual who represents the interests of the terminal owners or operators.

(B) Each Area Maritime Security Advisory Committee shall be composed of individuals with expertise in the security of the port industry, terminal operators, port labor organizations, and other users of the port areas.’’; and

(2) by striking—

(A) in paragraph (1)(A), by striking ‘‘2008;’’ and inserting ‘‘2020;’’; and

(B) in paragraph (2), by striking ‘‘2006’’ and inserting ‘‘2010’’.

SEC. 811. SEAMEN’S SHORESIDE ACCESS.

Each facility security plan approved under section 70103(c) of title 46, United States Code, shall provide a system for seamen assigned to a vessel at that facility, pilots, and representatives of seamen’s welfare and labor organizations to board and depart the vessel through the facility in a timely manner at no cost to the individual.

SEC. 812. WATERSIDE SECURITY OF ESPECIALLY HAZARDOUS CARGO.

(a) NATIONAL STUDY.—

(i) by zones—

The Secretary of the Navy, the Secretary of the Department of the Treasury, and the Commandant of the Coast Guard shall jointly conduct a national study to identify measures to improve waterside security and to protect lives or property in United States ports.

(ii) by zone—

The Secretary shall—

(A) provide a system for seamen assigned to a vessel to board and depart the vessel through the facility in a timely manner at no cost to the individual;

(B) coordinate with other Federal agencies, the National Maritime Security Advisory Committee, and appropriate State and local government officials through the Area Maritime Security Committees and other existing coordinating committees, to evaluate the waterside security of vessels carrying, and waterfront facilities handling, especially hazardous cargo;

(C) conduct a national study to identify measures to improve waterside security and to protect lives or property in United States ports; and

(D) ensure that the study—

(i) provides information to the Congress; or

(ii) provides information to Federal, State, local, or private security; and

(iii) provides information to the Coast Guard.

(b) DEFINITIONS.—In this section, the term ‘‘especially hazardous cargo’’ means any hazardous cargo, as defined in section 70103(c) of title 46, United States Code, that is—

(i) in transit through, to, or from United States ports; and

(ii) for the last fiscal year preceding the report, a statement of the number of security zones established for especially hazardous cargo shipments;

(3) in transit through, to, or from United States ports; and

(4) submitted to the House of Representatives and the Senate Committees on Commerce, Science, and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes—

(i) for the last full fiscal year preceding the report, a statement of the number of security zones established for especially hazardous cargo shipments;

(ii) for the last fiscal year preceding the report, a statement of the number of security zones established for especially hazardous cargo shipments; and

(iii) an assessment as to any additional transportation security incident; and

(iv) a report on the number of formal agreements entered into between the Coast Guard and State and local law enforcement entities to engage State and local law enforcement entities in a report on the results of the study under this subsection.

(b) NATIONAL STRATEGY.—Not later than 6 months after submission of the report required by subsection (a), the Secretary of the department in which the Coast Guard is operating shall develop, in conjunction with appropriate Federal agencies, a national strategy for the waterborne vessels carrying, and waterfront facilities handling, especially hazardous cargo. The strategy shall utilize the results of the study required by subsection (a).

(c) SECURITY OF ESPECIALLY HAZARDOUS CARGO.—Section 70103 of title 46, United States Code, is amended by adding at the end the following:

‘‘(e) ESPECIALLY HAZARDOUS CARGO.—

‘‘(1) ENFORCEMENT OF SECURITY ZONES.—

Consistent with other provisions of Federal law, the Coast Guard shall be responsible for the enforcement of any Federal security zone established by the Coast Guard around a vessel containing especially hazardous cargo. The Coast Guard shall allocate available resources so as to deter and respond to a transportation security incident, to the maximum extent practicable, to protect lives or protect property in danger.

‘‘(2) RESOURCE DEFICIENCY REPORTING.—

(A) IN GENERAL.—When the Secretary submits the annual budget request for a fiscal year for the department in which the Coast Guard is operating to the Office of Management and Budget, the Secretary shall provide the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes—

(i) for the last full fiscal year preceding the report, a statement of the number of security zones established for especially hazardous cargo shipments;

(ii) for the last fiscal year preceding the report, a statement of the number of security zones established for especially hazardous cargo shipments; and

(iii) an assessment as to any additional transportation security incident; and

(iv) a report on the number of formal agreements entered into between the Coast Guard and State and local law enforcement entities to engage State and local law enforcement entities in a report on the results of the study under this subsection.

(b) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) ESPECIALLY HAZARDOUS CARGO.—The term ‘‘especially hazardous cargo’’ means any cargo, as defined in section 70103(c) of title 46, United States Code, that is—

(i) in transit through, to, or from United States ports; and

(ii) for the last fiscal year preceding the report, a statement of the number of security zones established for especially hazardous cargo shipments; and

(iii) an assessment as to any additional transportation security incident; and

(iv) a report on the number of formal agreements entered into between the Coast Guard and State and local law enforcement entities to engage State and local law enforcement entities in a report on the results of the study under this subsection.

(b) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) ESPECIALLY HAZARDOUS CARGO.—The term ‘‘especially hazardous cargo’’ means any cargo, as defined in section 70103(c) of title 46, United States Code, that is—

(i) in transit through, to, or from United States ports; and

(ii) for the last fiscal year preceding the report, a statement of the number of security zones established for especially hazardous cargo shipments; and

(iii) an assessment as to any additional transportation security incident; and

(iv) a report on the number of formal agreements entered into between the Coast Guard and State and local law enforcement entities to engage State and local law enforcement entities in a report on the results of the study under this subsection.

(b) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) ESPECIALLY HAZARDOUS CARGO.—The term ‘‘especiall...
risk of creating a transportation security in-
cident while being transported in maritime
commerce.

(2) AREA MARITIME SECURITY COMMITTEE.—
The term ‘‘Area Maritime Security Commit-
tee’’ means each of those committees re-
ponsible for producing Area Maritime Transpor-
tation Security Plans under chapter 701 of title 46,
United States Code.

(3) TRANSPORTATION SECURITY INCIDENT.—
The term ‘‘transportation security incident’’
have the same meaning as that term has in
section 70101 of title 46, United States Code.

SEC. 813. REVIEW OF LIQUEFIED NATURAL GAS
FACILITIES.
Consistent with other provisions of law, the
Secretary in the department in which the
Coast Guard is operating shall make a
recommendation, after considering rec-
ommendations made by the Senate, to the
Federal Energy Regulatory Commission as
whether the waterway to a proposed wa-
terside liquefied natural gas facility is suit-
able the quality for the marine traffic asso-
ciated with such facility.

SEC. 814. USE OF SECONDARY AUTHENTICATION
FOR TRANSPORTATION SECURITY
CARDS.
Section 70105 of title 46, United States
Code, is amended by adding at the end the
following new subsection:
‘(l) The Secretary may use a secondary
authentication system to verify the identi-
fication of individuals using transportation
security cards while the individual’s finger-
pints are not able to be taken or read.’

SEC. 815. ASSESSMENT OF TRANSPORTATION
SECURITY INCIDENT CARD ENROLLMENT SITES.
(a) IN GENERAL.—Not later than 180 days
after the date of enactment of this Act, the
Secretary of the department in which the
Coast Guard is operating shall prepare
an assessment of the enrollment sites for
transportation security cards issued under
section 70105 of title 46, United States Code,
including—
(1) the feasibility of keeping those enroll-
sment sites open after the date of enactment
of this Act; and
(2) the availability of customer service, includ-
ing the periods of time individuals are kept on
hold on the telephone, whether appoint-
ments are kept, and processing times for ap-
lications.
(b) TIMELINES AND BENCHMARKS.—The Sec-
retary shall develop timelines and bench-
marks for implementing the findings of the
assessment as the Secretary deems nec-
essary.

SEC. 816. ASSESSMENT OF THE FEASIBILITY OF
EFFORTS TO MITIGATE THE THREAT
OF SMALL BOAT ATTACK IN MAJOR
PORTS.
The Secretary of the department in which
the Coast Guard is operating shall assess and
report to Congress on the feasibility of ef-
forts to mitigate the threat of small boat at-
tack in security zones of major ports, includ-
ing specifically the use of transponders,
radio frequency identification devices, and
high-frequency surface radar systems to track
small boats.

SEC. 817. REPORT AND RECOMMENDATION FOR
UNIFORM SECURITY BACKGROUND
CHECKS.
Not later than one year after the date of
enactment of this Act, the Comptroller Gen-
eral shall submit to the Committee on
Homeland Security of the House of Rep-
resentatives and the Committee on Com-
merce, Science, and Transportation of the
Senate a report that contains—
(1) a review of background checks and forms
of identification required under State
and local transportation security programs;
(2) a determination as to whether the back-
ground checks and forms of identification
required under such programs duplicate or con-
FLICT with Federal programs; and
(3) recommendations on limiting the num-
ber of background checks and forms of iden-
tification required under such programs to
reduce or eliminate duplication with Federal
programs.

SEC. 818. TRANSPORTATION SECURITY CARDS:
ACCESS PENDING ISSUANCE; DEAD-
LINE; photoshop; RECEIPT.
(a) ACCESS; DEADLINE.—Section 70105 of
title 46, United States Code, is further amended
by adding at the end the following new sub-
section:
‘‘(o) ESCORTING.—The Secretary shall co-
ordinate with owners and operators subject

(4) TRANSPORTATION SECURITY INCIDENT TO
SEC. 820. CLARIFICATION OF RULEMAKING AU-
THORITY.
(a) IN GENERAL.—Chapter 701 of title 46,
United States Code, is further amended by
adding at the end the following:
‘‘SEC. 70124. REGULATIONS.
Unless otherwise provided, the Secretary
may issue regulations necessary to imple-
date this section to allow any individual who
has a pending application for a transpor-
tation security card to perform work in a
secure or restricted area to have access to
such area for that purpose through escorting
of such individual in accordance with sub-
section (a)(13)(B) by another individual who
holds a transportation security card. Noth-
ing in this subsection shall be construed as
requiring or compelling an owner or operator
to provide escort access.

‘‘(p) PROCESSING TIME.—The Secretary
shall review an initial transportation secu-
rities card application, send a written decision or request for addi-
tional information required for the appeal
or waiver determination, within 30 days after
receipt of the applicant's appeal or waiver
determination. The Secretary shall, to the
greatest extent practicable, re-
view appeal and waiver requests submitted
by a transportation security card applicant,
and send a written decision or request for ad-
tional information required for the appeal
or waiver determination, within 30 days after
receipt of the applicant's appeal or waiver
determination. An applicant that is re-
quired to submit additional information for
an appeal or waiver determination, the Sec-
rery shall send a written decision, to the
applicant's place of residence or at the
Secretary may use a secondary
authentication system to verify the identi-
fication of individuals using transportation
security cards while the individual’s finger-
pints are not able to be taken or read.

(2) PROCESS FOR ALTERNATIVE MEANS OF RE-
PORTING; RECEIPT.
(a) REPORT BY COMPTROLLER GENERAL.—
Within 180 days after the date of enactment
of this Act, the Comptroller General of the
United States shall submit to the Committee
on Homeland Security of the House of Rep-
resentatives and the Committee on Com-
merce, Science, and Transportation of the
Senate a report assessing the costs, tech-
nical feasibility, and security measures asso-
ciated with wireless procedures to de-

(2) existing security training programs
employed at marine terminal facilities; and
(C) existing port security training pro-
grams developed by the Federal Government.

The training program shall provide validated training that—
(1) provides training at the awareness,
performance, management, and planning
levels;

(2) utilizes multiple training mediums and
methods;

(3) establishes and validates online certifi-
cation methodology;

(4) provide for continuing education and
training for facility security officers beyond
certification requirements, including a pro-
gressive education and training program
issues associated with the shipment of hazardous and
especially hazardous cargo;

(5) addresses port security topics, includ-
ing—
(A) facility security plans and procedures,
including how to develop security plans and
security procedure requirements when threat
levels are elevated;

(B) facility security force operations and
management;

(C) physical security and access control
at facilities;

(D) methods of security for preventing and
countering cargo theft;

(E) container security;

(F) recognition and detection of weapons,
dangerous substances, and devices;

(G) operation and maintenance of secu-
ry equipment and systems;

(H) security threats and patterns;

(I) security incident procedures, including
procedures for communicating with govern-
mental and nongovernmental emergency re-

sec. 70125. Port security training for facility secu-
ity officers
(a) FACILITY SECURITY OFFICERS.—The Sec-
rery shall establish comprehensive facili-
ty security officer training requirements
designed to provide full security training that
twill lead to certification of such offi-
cers. In establishing the requirements, the Secretary shall—
(1) work with affected industry stake-
holders,

(2) evaluate—
(A) the requirements of subsection (b);

(B) existing security training programs
employed at marine terminal facilities; and

(C) existing port security training pro-
grams developed by the Federal Government.
The training program shall provide validated training that—
(1) provides training at the awareness,
performance, management, and planning
levels;

(2) utilizes multiple training mediums and
methods;

(3) establishes and validates online certifi-
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gressive education and training program
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security procedure requirements when threat
levels are elevated;

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management;

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at facilities;

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countering cargo theft;

(E) container security;

(F) recognition and detection of weapons,
dangerous substances, and devices;

(G) operation and maintenance of secu-
ry equipment and systems;

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designed to provide full security training that
twill lead to certification of such offi-
cers. In establishing the requirements, the Secretary shall—
(1) work with affected industry stake-
holders,

(2) evaluate—
(A) the requirements of subsection (b);

(B) existing security training programs
employed at marine terminal facilities; and

(b) CLERICAL AMENDMENT.—The table of con-
cepts for chapter 701 of title 46, United States
Code, is further amended by adding at the end the fol-
}
“(7) is evaluated against clear and consistent performance measures;
“(8) addresses security requirements under facility security plans;
“(9) requires States or local port authorities to develop and certify the following additional security training requirements for Federal, State, and local officials with security responsibilities at United States seaports:
“(1) A program to familiarize them with port and shipping operations, requirements of the Maritime Transportation Security Act of 2002 (Public Law 107-296), and other port and cargo security programs that educates and trains them with respect to their roles and responsibilities.
“(2) A program to familiarize them with dangers and potential issues with respect to shipments of hazardous and especially hazardous cargo;
“(3) A program of continuing education as deemed necessary by the Secretary.
“(d) TRAINING PARTNERS.—In developing curriculums for training and ensuing training published pursuant to subsections (a) and (c), the Secretary, in coordination with the Maritime Administrator of the Department of Transportation and consistent with section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note), shall work with institutions with maritime expertise and with industry stakeholders with security expertise to develop appropriate training capacity to ensure that training can be provided in a geographically balanced manner to personnel seeking certification under subsection (a) or education and training under subsection (c).
“(e) ESTABLISHED GRANT PROGRAM.—The Secretary shall issue regulations or grants solicitations for grants for homeland security or port security to ensure that activities surrounding the development of curriculum and the placing of training and these activities are eligible grant activities under both grant programs.”

(b) Table of Contents Amendment.—Section 113 of the SAFE Port Act (6 U.S.C. 911) is repealed.

(c) Table of Contents Amendment.—The table of contents for chapter 701 of title 46, United States Code, is further amended by adding at the end thereof the following: “70125. Port security training for facility security personnel.”

SEC. 822. INTEGRATION OF SECURITY PLANS AND SYSTEMS WITH LOCAL PORT AUTHORITIES, STATE HARBOR DIVISIONS, AND LAW ENFORCEMENT AGENCIES.

Section 70102 of title 46, United States Code, is further amended by adding at the end thereof the following:
“(c) SHARING OF ASSESSMENT INFORMATION ON PLANS AND EQUIPMENT.—The owner or operator of any port facility or vessel shall disclose to the Secretary any Federal security restrictions, shall—
“(1) make a current copy of the vulnerability assessment conducted under subsection (a) of this section available to the port authority with jurisdiction of the facility and appropriate State or local law enforcement agencies; and
“(2) integrate, to the maximum extent practical, any security system for the facility with compatible systems operated or maintained by the appropriate State, law enforcement agencies, and the Coast Guard.”

SEC. 823. TRANSPORTATION SECURITY CARDS.

Section 70105 of title 46, United States Code, is further amended by adding at the end thereof the following:
“(q) RECEIPT AND ACTIVATION OF TRANSPORTATION SECURITY CARD.—
“(1) IN GENERAL.—Not later than one year after the date of enactment of final regulations required by subsection (k)(3) of this section the Secretary shall develop a plan to permit the receipt and activation of transportation security cards at any port or facility described in subsection (a) of this section that desires to implement this capability. This plan shall specify the extent to which possible, with all appropriate requirements of Federal standards for personal identity verification and credential.
“(2) LIMITATION.—The Secretary may not require any such vessel or facility to provide on-site activation capability.”

SEC. 824. PRE-INTERPOSITION OPERATIONAL COMMUNICATIONS EQUIPMENT AT INTERAGENCY OPERATIONAL CENTERS.

Section 70107A of title 46, United States Code, is further amended by—
“(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and
“(2) by inserting after subsection (d) the following:
“(e) DEPLOYMENT OF OPERATIONAL COMMUNICATIONS EQUIPMENT AT INTERAGENCY OPERATIONAL CENTERS.—The Secretary, subject to the availability of appropriations, shall ensure that interoperable communications technology is deployed at all interagency operational centers established under subsection (a). The Secretary shall ensure that the equipment has been tested in live operational environments before deployment.”

SEC. 825. INTERNATIONAL PORT AND FACILITY INSPECTION COORDINATION.

(a) COORDINATION.—The Secretary of the department in which the Coast Guard is operating shall, to the extent practicable, conduct the assessments required by the following provisions of law concurrently, or develop a process by which they are integrated and conducted by the Coast Guard.

(1) Section 205 of the SAFE Port Act (6 U.S.C. 945).
(2) Section 213 of that Act (6 U.S.C. 964).
(3) Section 70108 of title 46, United States Code.

(b) LIMITATION.—Nothing in subsection (a) shall be construed to affect or diminish the authority of law enforcement agencies authorized by law to supervise the prevention, detection, investigation, or prosecution of criminal activities.

(2) SECURITY ZONE.—The term ‘security zone’ means a security zone, established by the Commandant of the Coast Guard or the Commandant’s designee pursuant to section 1 of title II of the Act of June 15, 1917 (50 U.S.C. 191) or section 7(b) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b)), for a vessel carrying especially hazardous cargo when such vessel—
“(A) enters, or operates within, the territorial waters of the United States and the territorial seas of the United States; or
“(B) transfers such cargo or residue in any port or place, under the jurisdiction of the United States, within the territorial seas of the United States or the internal waters of the United States.”

SEC. 826. AREA TRANSPORTATION SECURITY INCIDENT MITIGATION PLAN.

Section 70105 of title 46, United States Code, is amended—
“(1) by redesignating subparagraphs (E) through (G) as subparagraphs (F) through (H), respectively;
“(2) by inserting after subparagraph (D) the following:
“(E) establish area response and recovery protocols to prepare for, respond to, mitigate against, and recover from a transportation security incident consistent with section 202 of the SAFE Port Act (46 U.S.C. 942) and subsection (a) of this section.”

SEC. 827. RISK BASED RESOURCE ALLOCATION.

(a) NATIONAL STANDARD.—Within 1 year after the date of enactment of this Act, in carrying out chapter 701 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating shall coordinate and utilize a standard and formula for prioritizing and addressing assessed security risks at United States ports and facilities on or adjacent to the waterways of the United States.

(b) USE OF MARITIME SECURITY COMMITTEES.—Within 2 years after the date of enactment of this Act, the Secretary shall require each area Maritime Security Committee to use this standard to regularly evaluate each port’s assessed risk and prioritize how to mitigate the most significant risks.

(c) OTHER USES OF STANDARD.—The Secretary shall utilize the standard in considering departmental resource allocations and grant making decisions.

SEC. 828. PORT SECURITY ZONES.

(a) IN GENERAL.—Section 701 of title 46, United States Code, is amended by adding at the end thereof the following:

“SUBCHAPTER II.—PORT SECURITY ZONES

“§ 70131. Definitions

“ ‘70131. Definitions

“(1) LAW ENFORCEMENT AGENCY.—The term ‘law enforcement agency’ means an agency or a Federally recognized tribe that is authorized by law to supervise the prevention, detection, investigation, or prosecution of criminal activities.

“(2) SECURITY ZONE.—The term ‘security zone’ means a security zone, established by the Commandant of the Coast Guard or the Commandant’s designee pursuant to section 1 of title II of the Act of June 15, 1917 (50 U.S.C. 191) or section 7(b) of the Ports and Waterways Safety Act (33 U.S.C. 1226(b)), for a vessel carrying especially hazardous cargo when such vessel—
“(A) enters, or operates within, the internal waters of the United States and the territorial sea of the United States; or
“(B) transfers such cargo or residue in any port or place, under the jurisdiction of the United States, within the territorial sea of the United States or the internal waters of the United States.”

SEC. 70132. Credentialing standards, training, and certification for State and local support for the enforcement of security zones for the transportation of especially hazardous cargo.

“(a) STANDARD.—The Commandant of the Coast Guard shall establish, by regulation, national standards for training and credentialing of law enforcement personnel—
“(1) to enforce a security zone; or
‘(2) to assist in the enforcement of a security zone;’;

‘(b) TRAINING.—

‘(1) The Commandant of the Coast Guard—

‘(A) may develop and publish a training curriculum for—

‘(i) law enforcement personnel to enforce a security zone;

‘(ii) law enforcement personnel to enforce or assist in the enforcement of a security zone; and

‘(B) may—

‘(i) set and deliver such training, the curriculum for which is developed pursuant to subparagraph (A);

‘(ii) enter into an agreement under which a public entity (including a Federal agency) or private entity may test and deliver such training, the curriculum for which has been developed pursuant to subparagraph (A); and

‘(iii) may accept a program, conducted by a public entity (including a Federal agency) or private entity, through which such training is delivered in accordance with the Department of Transportation and, in coordination with the Maritime Administrator, may provide such training;

‘(A) to law enforcement personnel who enforce or assist in the enforcement of a security zone; and

‘(B) on an availability basis to—

‘(i) law enforcement personnel who assist in the enforcement of a security zone; and

‘(ii) personnel who are employed or retained by a facility or vessel owner to assist in the enforcement of a security zone;

‘(3) if a Federal agency provides the training, the head of such agency may, notwithstanding any other provision of law, accept payment from any source for such training, and any amount received as payment shall be credited to the appropriation, current at the time of collection, charged with the cost thereof and shall be merged with, and available for, the same purposes of such appropriation.

‘(4) Notwithstanding any other provision of law, any moneys, awarded by the Department of Treasury in the form of awards or grants, may be used by the recipient to pay for training of personnel to assist in the enforcement of security zones and limited areas areas.

‘(c) CERTIFICATION; TRAINING PARTNERS.—

‘In developing and delivering training under the training program, the Secretary, in coordination with the Maritime Administrator of the Department of Transportation, and consistent with section 109 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note), shall—

‘(1) work with government training facilities, academic institutions, private organizations, and other entities that provide specialized, state-of-the-art training for governmental and non-governmental emergency responder providers or commercial seaport personnel and management;

‘(2) utilize, as appropriate, government training facilities, courses provided by community, public safety, academic State and private universities, and other facilities; and

‘(3) identify organizations that offer the curriculum for training and certification.’;

‘(b) GRANTS; ADMINISTRATION.—Section 70107 of title 46, United States Code, is amended—

‘(1) by striking “services,” in subsection (a) and inserting “services and to train law enforcement personnel under section 70132 of this title.”;

‘(2) by adding at the end of subsection (b) the following:

‘“(B) The cost of training law enforcement personnel—

‘(i) to enforce a security zone under section 70132 of this title; or

‘(ii) to assist in the enforcement of a security zone;”;

‘(3) by adding at the end of subsection (c)(2) the following:

‘“(C) TRAINING.—There are no matching requirements for grants under subsection (a) to train law enforcement agency personnel in the enforcement of security zones under section 70132 of this title or in assisting in the enforcement of such security zones.”;

‘(4) by striking “2011” in subsection (l) and inserting “2013”.

‘CONFERENCE AMENDMENTS.—

‘(1) SUBCHAPTER I DESIGNATION.—Chapter 701 of title 46, United States Code, is amended by inserting before section 70101 the following:

‘“SUBCHAPTER I—GENERAL.”

‘(2) TABLE OF CONTENTS AMENDMENTS.—The table of contents for chapter 701 of title 46, United States Code, is amended—

‘(A) by inserting before the item relating to section 70101 the following:

“Subchapter I—General”;

and

‘(B) by adding at the end the following:

“Subchapter II—Port security zones.”

‘70131. Definitions

‘70132. Credentialing standards, training, and certification for State and local support for the enforcement of security zones for the transportation of especially hazardous cargo.’;

‘(d) AQUACULTURE WAIVER.—

‘(1) PERMITTING OF NONQUALIFIED VESSELS TO PERFORM CERTAIN AQUACULTURE SUPPORT OPERATIONS.—Notwithstanding section 12113 and any other law, the Secretary of Transportation may issue a waiver allowing a documented vessel with a registry endorsement or a foreign flag vessel to be used in operations to treat aquaculture fish for or protect aquaculture fish from disease, parasitic infestation, or other threats to their health if the Secretary finds, after publishing a notice in the Federal Register, that a suitable vessel of the United States is not available that could perform those services.

‘(2) PROHIBITION.—Vessels operating under a waiver issued under paragraph (1) may not engage in any coastwise transportation.’.

‘(2) IMPLEMENTING AND INTERIM REGULATIONS.—The Secretary of the department in which the Coast Guard is operating shall, in accordance with section 553 of title 5, United States Code, and after public notice and comment, promulgate regulations necessary and appropriate to implement this subsection. The Secretary may grant interim permits pending the issuance of such regulations upon receipt of applications containing the required information.

‘SEC. 902. CREW WAGES ON PASSENGER VESSELS.

‘(a) FOREIGN AND INTERCOASTAL VOYAGES.—

‘(1) CAP ON PENALTY WAGES.—Section 10313(g) of title 46, United States Code, is amended—

‘(A) by striking “‘When’ and inserting “(1) Subject to paragraph (2), when’; and

‘(B) by adding at the end the following:

‘(2) The total amount required to be paid under paragraph (1) with respect to all claims in a class action suit for wages on a passenger vessel capable of carrying more than 500 passengers for wages under this section against a vessel master, owner, or operator, or the employer of the seaman shall not exceed ten times the unpaid wages that are the subject of the claims.

‘(3) A class action suit for wages under this subsection must be commenced within three years after the later of—

‘(A) the date of the end of the last voyage for which the wages are claimed; or

‘(B) the receipt, by or on behalf of the seaman who is a claimant in the suit, of a payment of wages that are the subject of the suit that is made in the ordinary course of employment.’.

‘(2) DEPOSITS.—Section 10315 of title 46, United States Code, is amended by adding at the end the following:

‘(f) DEPOSITS IN SEAMAN ACCOUNT.—By written request signed by the seaman, a seaman employed on a vessel capable of carrying more than 500 passengers may authorize the master, owner, or operator of the vessel, or the employer of the seaman, to make the deposits of wages of the seaman into a checking, savings, investment, or retirement account, or other account to secure a payroll or debit card for the seaman if—

‘(1) the wages designated by the seaman for such deposit are deposited in a United States or international financial institution designated by the seaman;

‘(2) such deposits in the financial institution are fully guaranteed under commonly accepted international standards by the government of the country in which the financial institution is licensed;

‘(3) a written wage statement or pay stub, including an accounting of any direct deposit, is delivered to the seaman no later than monthly; and

‘(4) while on board the vessel on which the seaman is employed, the seaman is able to arrange for withdrawal of all funds on deposit in the account in which the wages are deposited.”.

‘(b) COASTWISE VOYAGES.—
SEC. 903. TECHNICAL CORRECTIONS.

That are the subject of the suit that is made claimant in the suit, of a payment of wages for which the wages are claimed; or

ator or the employer of the seamen shall not than 500 passengers for wages under this sec-

nated) by striking ''this section'' and insert-

(2), respectively, and aligning the left mar-

gin of subparagraph (L).

subject to subsection (d), and except as pro-

amended by adding at the end the following:

(2) DEPOSITS.—Section 10504 of such title is amended by adding at the end the following:

in a United States or international financial institution designated by the seaman;

Subject to subsection (d), and except as pro-

sition.

is amended by adding a period at the end of the item relating to section 118.

The analysis for chapter 17 of title 14, United States Code, is amended to read as follows:

10504(c) of such title is amended—

(4) in section 902(e)(2)(C) (as so redesig-

(7) in section 902(e)(2)(D) (as so redesig-

(6) in section 902(e)(2)(C) (as so redesig-

(5) in section 902(e) (120 Stat. 567) is amend-

(3) in subsection (d), by striking ''48

(4) by redesignating subsection (e) as sub-

(3) a written wage statement or pay stub,

(2) Section 70105(c)(3)(C) of such title is

(1) in section 311(b) (120 Stat. 530) by insert-

(3) the Commandant of the Coast Guard de-

(4) in section 122 (120 Stat. 549) by insert-

(3) a class action suit for wages under

(1) in subsection (a), by striking ''in the 48-

(2) in section 902(k) (120 Stat. 568) is amends

(1) by striking ''the Act of March 23, 1906,

(2) by striking ‘‘When’’ and inserting ‘‘(1) Subject to subsection (d), and except as pro-

(2) by inserting at the end the following: 

(4) in section 10904(c) of such title is amended—

(3) by inserting “each place it appears” be-

(5) in section 902(a)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(2)) is amended

(1) in section 241, such Act is amended—

(1) The analysis for chapter 7 of title 14, United States Code, is amended by adding a period at the end of the item relating to section 107.

(2) The analysis for chapter 17 of title 14, United States Code, is amended by adding a period at the end of the item relating to section 118.

(2) Such deposits in the financial institu-

ministering international standards by the gov-

ment of the country in which the financial

tion is licensed;

(3) by inserting “and pay stub,” including an accounting of any direct de-

posits or debit card for the seaman if—

‘‘(1) the wages designated by the seaman for such deposits are deposited in a United States or international financial institution designated by the seaman;

‘‘(2) such deposits in the financial institu-

tion are made solely in accordance with commonly accepted international standards by the gov-

ernment of the country in which the financial

institution is licensed;

‘‘(3) the seamen have an annual safety examination by an independent agency, or organization, or person approved by the Department of Labor or the Coast Guard;

‘‘(4) the payroll of the vessel operator or employer is audited by an independent accounting firm in accordance with international standards by the government of the country in which the vessel is registered or operates; and

‘‘(5) the vessel is in compliance with the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978.

SEC. 904. MANNING REQUIREMENT.

Section 421 of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109-241; 120 Stat. 547) is amended—

(1) in subsection (a), by striking “in the 48-

month period beginning on the date of enac-

tment of this Act if,” and inserting “until the date of expiration of this section if;”;

(2) in subsection (b), by striking “Subsec-

tion (a)”; and

(3) in subsection (d), by striking “48

months after the date of enactment of this

Act;” and inserting “on December 31, 2012;” and

(4) by redesignating subsection (e) as sub-

section (f) and inserting after subsection (d) the follow-

 ing: 

(e) SAFETY INSPECTIONS.—A vessel may not engage a foreign citizen to meet a man-

ning requirement under this section unless it has an annual safety examination (A) by an indi-

vidual authorized to enforce part B of sub-

title II of title 46, United States Code.”.

SEC. 905. STUDY OF BRIDGES OVER NAVIGABLE WATERS.

The Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representa-

tives a comprehensive study on the proposed construction of a new drawbridge, or causeway over navigable wa-
ters with a channel depth of 25 feet or greater of the United States that may impede or obstruct future navigation to or from port facilities.

SEC. 906. LIMITATION ON JURISDICTION OF STATES TO TAX CERTAIN SEAMEN.

(a) CONVYANCE AUTHORIZED.—

(1) IN GENERAL.—The Commandant of the Coast Guard may convey as surplus property, under section 550 of title 40, United States Code, and other relevant Federal Laws governing the disposal of Federal surplus property, to the City of Marquette (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, together with all improvements located in Marquette County, Michigan, that is under the administrative control of the Coast Guard, consisting of approximately 5.5 acres of real property, as depicted on the Van Neste survey (9204072), dated September 7, 2006, together with the land between the intermediate traverse line on such survey and the ownership boundary, the total comprising 9 acres, more or less, and commonly identified as Coast Guard Station Marquette and Lighthouse Point.

(2) COAST GUARD CONVEYANCE.—The respon-

sibility for all reasonable and necessary costs, including real estate transaction and envi-

ronmental documentation costs, associated with the transaction shall be determined by the Commandant of the Coast Guard and the City.

(b) RETENTION OF CERTAIN EASEMENTS.—In conveying the property under subsection (a), the Commandant of the Coast Guard may re-
tain such easements over the property as the Commandant considers appropriate for ac-
cess to navigable waters.

(c) LIMITATIONS.—The property to be con-

veyed under subsection (a) may not be con-

veyed under that subsection until—

(1) the Commandant of the Coast Guard Station Marquette to a newly con-

structed station;

(2) any environmental remediation re-

quired under Federal law with respect to the property has been completed; and

(3) the Commandant of the Coast Guard de-

termines that retention of the property by the United States is required to carry out Coast Guard missions or functions.

(d) CONDITIONS OF TRANSFER.—All condi-

tions placed within the deed of title of the property to be conveyed under subsection (a) shall be construed as covenants running with the land.

(e) DESCRIPTION OF PROPERTY.—The exact ac-

tural and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Commandant of the Coast Guard.

(f) ADDITIONAL TERMS AND CONDITIONS.—

The Commandant of the Coast Guard may require such additional terms and conditions in connection with the conveyance author-

ized under subsection (a) that the Commandant considers appropriate to protect the inter-

ests of the United States.
SEC. 908. MISSION REQUIREMENT ANALYSIS FOR NAVIGABLE PORTIONS OF THE RIO GRANDE RIVER, TEXAS, INTER-STATE, AND INTERNATIONAL WATER BOUNDARY.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall prepare a mission requirement analysis for the navigable portions of the Rio Grande River, Texas, international water boundary. The analysis shall take into account the Coast Guard’s involvement on the Rio Grande River by assessing Coast Guard missions, assets, and personnel assigned along the River. The analysis shall also identify what would be needed for the Coast Guard to increase search and rescue operations, migrant interdiction operations, and counter-narcotics and counter-smuggling operations. Providing evidence of this analysis shall state the collection of information under this section as necessary and shall report the analysis to the Congress.

SEC. 909. CONVEYANCE OF COAST GUARD PROPERTY IN CHEBOYGAN, MICHIGAN.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law, the Commandant of the Coast Guard is authorized to convey to the Attorney General, the Secretary of Education, the Secretary of the Interior, the Secretary of Agriculture, the National Oceanic and Atmospheric Administration, each of the agencies provided for in the National Environmental Policy Act of 1969, the Governor of the State of Texas or the Governor of the State of Michigan, the Cheboygan County Board of Commissioners, or the Cheboygan Christian Academy, located in Cheboygan, MI, shall have the right of first refusal to purchase, at fair market value, all or a portion of the real property described in subsection (c).

(b) DESCRIPTION OF PROPERTY.—The exact right, title, and interest of the United States in and to a parcel of real property, consisting of approximately 3 acres, more or less, that is under the administrative control of the Commandant of the Coast Guard and located at 900 S. Western Avenue in Cheboygan, Michigan.

(c) COSTS OF CONVEYANCE.—The responsibility for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance shall be determined by the Commandant of the Coast Guard and the purchaser.

(d) FAIR MARKET VALUE.—The fair market value of the property shall be—

(1) determined by appraisal, in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice; and

(2) subject to the approval of the Commandant.

(e) LIMITS OF CONVEYANCE.—The responsibility for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance shall be determined by the Commandant of the Coast Guard and the purchaser.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Commandant of the Coast Guard may require such additional terms and conditions in connection with the conveyance under subsection (a) as are necessary and appropriate to protect the interests of the United States.

SEC. 910. ALTERNATIVE LICENSING PROGRAM FOR OPERATORS OF UNINSPECTED PASSENGER VESSELS ON LAKE TEXOMA IN TEXAS AND OKLAHOMA.

(a) IN GENERAL.—Upon the request of the Governor of either Texas or the Governor of the State of Oklahoma, the Secretary of the department in which the Coast Guard is operating shall enter into an agreement with the Governor of the State whereby the State shall license operators of uninspected passenger vessels operating on Lake Texoma in Texas and Oklahoma in lieu of the Secretary, acting through the Commandant of the Coast Guard, shall license such operators.

(b) LICENSEE.—The person aforesaid, when solicensed, shall have the right of first refusal to purchase, at fair market value, all or a portion of the real property described in subsection (c).

(c) LICENSE REQUIREMENTS.—The requirements of section 8903 of title 46, United States Code, and the regulations issued thereunder, shall apply to any person operating on Lake Texoma in Texas and Oklahoma without further requirement to hold an additional license thereunder.

SEC. 911. STRATEGY REGARDING DRUG TRAFFICKING VESSELS.

Within 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall submit a report to Congress on its comprehensive strategy to combat the illicit trade in drugs, including the number of such vessels that have been detected or interdicted.

(1) The Secretary shall submit to Congress a report that includes—

(A) standards for chemical testing for such operators;

(B) physical standards for such operators;

(C) professional service and training requirements for such operators; and

(D) criminal history background check for such operators;

(2) An assessment of additional personnel, technology, or other resources necessary to detect and interdict such vessels;

(3) A strategy regarding drug trafficking vessels, including the number of such vessels that have been detected or interdicted.

Nothing in this section shall affect the authority of the Secretary to impose requirements for such operators, or the authority of any Federal or State officer to investigate, or require reporting of, marine casualties.

(5) DEFINITIONS.—For the purposes of this section, the term “uninspected passenger vessels” has the same meaning such term has in section 2101(42)(B) of title 46, United States Code.
SEC. 912. USE OF FORCE AGAINST PIRACY.
(a) In General.—Chapter 81 of title 46, United States Code, is amended by adding at the end the following new section:
"§107. Use of force against piracy.
"(a) LIMITATION ON LIABILITY.—An owner, operator, time charterer, master, mariner, or individual who uses force or authorizes the use of force to defend a vessel of the United States against piracy shall not be liable for monetary damages for any injury or death caused by such force to any person engaging in an act of piracy if such force was in accordance with standard rules for the use of force in self-defense of vessels prescribed by the Secretary.
"(b) PROTECTION OF COORDINATED ACTION.—To carry out the purpose of this section, the Secretary of Transportation, in consultation with representatives of industry and labor, shall develop standard rules for the use of force for self-defense of vessels of the United States.

SEC. 913. TECHNICAL AMENDMENTS TO CHAPTER 313 OF TITLE 46, UNITED STATES CODE.
(a) In General.—Chapter 313 of title 46, United States Code, is amended—
(1) by striking “of Transportation” in sections 31320, 31321, 31323, and 31333, each place it appears;
(2) by striking “and” after the semicolon in section 31330(3);
(3) by striking “office.” in section 31301(6) and inserting “office;” and
(4) by adding at the end of section 31301 the following:
"(7) ‘Secretary’ means the Secretary of the Department of Homeland Security, unless otherwise noted.”
(b) Transfer of Possession of Light Station.—Section 31308 of title 46 is amended by striking “Secretary of Commerce or Transportation” and inserting “Commandant of the Coast Guard.”
(c) Secretary of Transportation.—Section 31309 of title 46 is amended by striking “Secretary of Commerce or Transportation, as a mortgagor under this chapter.”

SEC. 914. CONVEYANCE OF COAST GUARD VESSEL FOR PUBLIC PURPOSES.
(a) In General.—Whenever the transfer of ownership of a Coast Guard vessel or aircraft to an eligible entity for use for educational, cultural, historical, rehabilitative, recreational, or other public purposes is authorized by law or declared excess by the Commandant, the Coast Guard shall transfer the vessel or aircraft to the Department of Transportation for conveyance to the eligible entity.
(b) CONDITIONS OF CONVEYANCE.—The General Services Administration may not convey a vessel or aircraft to an eligible entity unless the vessel or aircraft is—
(1) to provide the documentation needed by the General Services Administration to process a request for aircraft or vessels under section 102.37.225 of title 41, Code of Federal Regulations;
(2) to comply with the special terms, conditions, and restrictions imposed on aircraft and vessels under section 102.37.360 of such title;
(3) to make the vessel available to the United States Government if it is needed for use by the Commandant of the Coast Guard in time of war or a national emergency; and
(4) to hold the United States Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, that occur after conveyance, except for claims arising from use of the vessel or aircraft under the United States Government under paragraph (3).

SEC. 915. ASSESSMENT OF CERTAIN AIDS TO NAVIGATION FOR PUBLIC PURPOSES.
(a) INFORMATION ON USAGE.—Within 60 days after the date of enactment of this Act, the Commandant of the Coast Guard shall—
(1) determine the types and numbers of vessels typically transiting or utilizing that portion of the Atlantic Intracoastal Waterway beginning at a point that is due East of the Seminole Inlet, Chapter C-100 in Dade County, Florida, and ending at the Dade County line, during a period of 30 days; and
(2) provide the information on usage compiled under this subsection to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.
(b) ASSESSMENT OF CERTAIN AIDS TO NAVIGATION.—Within 90 days after the date of enactment of this Act, the Commandant of the Coast Guard shall—
(1) review and assess the buoy(s), markers, and other aids to navigation and in place along the Atlantic Intracoastal Waterway specified in section (a), to determine the adequacy and sufficiency of such aids, and the need to replace such aids, install additional aids, or both; and
(2) submit a report on the assessment required by this section to the committees.
(c) SUBMISSION OF PLAN.—Within 180 days after the date of enactment of this Act, the Commandant shall submit a plan to the committees to address the needs identified under subsection (b).

SEC. 916. FRESNEL LENS FROM PRESQUE ISLE LIGHT STATION IN PRESQUE ISLE, MICHIGAN.
(a) DETERMINATION; ANALYSES.—
(1) DETERMINATION.—The Commandant of the Coast Guard shall determine the necessity and adequacy of the Federal aids to navigation at Presque Isle Light Station, Presque Isle, Michigan (hereinafter “Light Station”), and submit such determination to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. The determination may base such determination on the Waterways Analysis and Management System study of such Federal aids to navigation, provided that such study was completed not more than one year prior to the date of enactment of this section.

(b) TRANSFER OF POSSESSION OF LIGHT STATION.—
(1) TRANSFER OF POSSESSION.—Notwithstanding any other provision of law, the Commandant of the Coast Guard shall transfer to the Township of Presque Isle, Michigan (hereinafter “Township”), possession of the Fresnel Lens from the Light Station for the purpose of conserving and displaying such Fresnel Lens as an artifact in an exhibition facility at or near the Light Station.
(2) CONDITION.—As a condition of the transfer of possession pursuant to paragraph (1)—
(A) all Federal aids to navigation located at, on, or in the Light Station in operation on the date of transfer of possession shall remain the private property of the United States and continue to be operated and maintained by the United States for as long as needed for navigational purposes;
(B) there is reserved to the United States the right to maintain, operate, or install any Federal aid to navigation located at, on, or in the Light Station as may be necessary for navigational purposes; and
(C) the Township shall neither interfere nor allow interference in any manner with any Federal aid to navigation, nor hinder activities required for the operation and maintenance of any Federal aid to navigation.
(3) ALTERNATIVE DISPLAY.—(A) In the event that—
(1) the Commandant of the Coast Guard, pursuant to a Waterways Analysis and Management System study, discontinues the existing Federal aids to navigation at, on, or in the Light Station;

(ii) the Township demonstrates to the satisfaction of the Commandant that the Township can restore, reinstall, and display the Fresnel Light Station in the lantern room of such Light Station in a manner that conserves such Fresnel Lens as an artifact;

the Township is authorized, notwithstanding paragraph (1), to display such Fresnel Lens in the lantern room of such Light Station.

(b) Nothing in this paragraph shall be construed to prevent the Township from installing a Fresnel Lens in the lantern room of such Light Station.

(c) CONVEYANCE, TRANSFER OF ADDITIONAL PERSONAL PROPERTY.—Notwithstanding any other provision of law, the Commandant may convey or transfer possession of any personal property of the United States, pertaining to the Fresnel Lens or the Light Station, as an artifact to the Township.

(d) TERMS; RESERVATION OF INTEREST.—As a condition of transfer of possession of personal property of the United States, pursuant to subsection (c), the Commandant may require the Township to comply with terms and conditions the Commandant considers appropriate to conserve such personal property. Upon notice that the Commandant has determined that the Township has not complied with such terms and conditions, the Township shall immediately transfer possession of such personal property to the Coast Guard, except to the extent otherwise approved by the Commandant.

(e) CONVEYANCE WITHOUT CONSIDERATION.—The conveyance or transfer of possession of any personal property of the United States (including the Fresnel Lens) under this section shall be without consideration.

(f) DELIVERY OF PROPERTY.—The Commandant shall deliver—any personal property conveyed or transferred pursuant to this section (including the Fresnel Lens) 

(1) at the place where such property is located or maintained in the Township; and

(2) in condition on the date of conveyance, and

(3) without cost to the United States.

(g) PROPERTY.—As a condition of the transfer of possession of the Fresnel Lens and any other personal property of the United States to the Township under this section, the Commandant shall enter into an agreement with the Township under which the Township agrees to hold the United States harmless for any claim arising with respect to the Fresnel Lens or such personal property.

(h) LIMITATION ON FUTURE TRANSFERS.—The instruments providing for the transfer of possession of the Fresnel Lens or any other personal property of the United States under this section shall:

(1) require that any further transfer of an interest in the Fresnel Lens or personal property may not be made without the advance approval of the Commandant; and

(2) provide that, if the Commandant determines that an interest in the Fresnel Lens or personal property was transferred without such approval—

(A) all right, title, and interest in the Fresnel Lens or personal property shall revert to the United States;

and

(B) the recipient of the Fresnel Lens or personal property shall pay the United States the amount incurred by the United States in recovering the Fresnel Lens or personal property.

(1) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the conveyance or transfer of personal property of the United States (including the Fresnel Lens) authorized by this section as the Commandant considers appropriate to protect the interests of the United States.

SEC. 917. MANAGEMENT

(a) PENALTIES.—Section 2237(b) of title 18, United States Code, is amended to read as follows:

"(b) Whoever knowingly violates this section shall—

"(1) if the offense results in death or involves kidnapping, an attempt to kidnap or kill,或者 an attempt to commit an offense, under section 2241 (relating to aggravated sexual abuse) without regard to where it takes place, or an attempt to kill, be fined under this title or imprisoned for any term of years or life, or both;

"(2) if the offense results in serious bodily injury (as defined in section 1365), be fined under this title or imprisoned for not more than 15 years, or both;""

(b) T ERMS; R EVERSIONARY INTEREST.—As a condition of transfer of possession of personal property of the United States, pursuant to a Waterways Analysis and Management System study, discontinues the existing Federal aids to navigation at, on, or in the Light Station, as an artifact, to the Township, the Township is authorized, notwithstanding any other provision of law, the Commandant may convey or transfer possession of any personal property of the United States, pertaining to the Fresnel Lens or the Light Station, as an artifact to the Township.

(c) C ONVEYANCE, T RANSFER OF ADDITIONAL PERSONAL PROPERTY.—Notwithstanding any other provision of law, the Commandant may convey or transfer possession of any personal property of the United States, pertaining to the Fresnel Lens or the Light Station, as an artifact to the Township.

(d) TERMS; RESERVATION OF INTEREST.—As a condition of transfer of possession of personal property of the United States, pursuant to subsection (c), the Commandant may require the Township to comply with terms and conditions the Commandant considers appropriate to conserve such personal property. Upon notice that the Commandant has determined that the Township has not complied with such terms and conditions, the Township shall immediately transfer possession of such personal property to the Coast Guard, except to the extent otherwise approved by the Commandant.

(e) CONVEYANCE WITHOUT CONSIDERATION.—The conveyance or transfer of possession of any personal property of the United States (including the Fresnel Lens) under this section shall be without consideration.

(f) DELIVERY OF PROPERTY.—The Commandant shall deliver—any personal property conveyed or transferred pursuant to this section (including the Fresnel Lens) 

(1) at the place where such property is located or maintained in the Township; and

(2) in condition on the date of conveyance, and

(3) without cost to the United States.

(g) PROPERTY.—As a condition of the transfer of possession of the Fresnel Lens and any other personal property of the United States to the Township under this section, the Commandant shall enter into an agreement with the Township under which the Township agrees to hold the United States harmless for any claim arising with respect to the Fresnel Lens or such personal property.

(h) LIMITATION ON FUTURE TRANSFERS.—The instruments providing for the transfer of possession of the Fresnel Lens or any other personal property of the United States under this section shall:

(1) require that any further transfer of an interest in the Fresnel Lens or personal property may not be made without the advance approval of the Commandant; and

(2) provide that, if the Commandant determines that an interest in the Fresnel Lens or personal property was transferred without such approval—

(A) all right, title, and interest in the Fresnel Lens or personal property shall revert to the United States; and

(B) the recipient of the Fresnel Lens or personal property shall pay the United States the amount incurred by the United States in recovering the Fresnel Lens or personal property.

SEC. 918. CAPITAL INVESTMENT PLAN

The Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the Coast Guard’s 5-year capital investment plan concurrent with the President’s budget submission for each fiscal year.

SEC. 919. REPORTS

(a) In general.—Notwithstanding any other provision of law, during fiscal year 2011 the total amount of appropriated funds obligated or expended by the Coast Guard during any fiscal year in connection with any study or report required by law may not exceed the total amount of appropriated funds obligated or expended by the Coast Guard for such purpose in fiscal year 2010. In order to comply with the requirements of this section, the Commandant of the Coast Guard shall establish for each fiscal year a rank order of priority for studies and reports that can be conducted or completed during the fiscal year consistent with this limitation and shall post the list on the Coast Guard’s public website.

(b) COMPLIANCE PROVISION.

The budgetary effects of this Act, for purposes of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Statutory Pay-As-You-Go Legislation” for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, that such statement was submitted prior to the vote on passage in the House acting first on this conference report or amendments before the House.

SEC. 921. CONVEYANCE OF COAST GUARD PROP- ERTY IN PORTLAND, MAINE.

The budgetary effects of this Act, for purposes of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Statutory Pay-As-You-Go Legislation” for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, that such statement was submitted prior to the vote on passage in the House acting first on this conference report or amendments before the House.

TITLe X—CLEAN HULLS

Subtitle A—General Provisions

SEC. 1011. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ‘‘Administrator’’ means the Administrator of the Environmental Protection Agency.

(2) ANTIPOULING SYSTEM.—The term ‘‘antifouling system’’ means a coating, paint, surface treatment, surface, or device that is used or intended to be used on a vessel to control or prevent attachment of unwanted organisms.

(3) CONVENTION.—The term ‘‘Convention’’ means the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, including its annexes, and including any amendments to the Convention or annexes which have entered into force for the United States.

(4) FPSO.—The term ‘‘FPSO’’ means a floating production, storage, or offloading unit.

(5) FSU.—The term ‘‘FSU’’ means a floating storage unit.

(6) GROSS Tonnage.—The term ‘‘gross tonnage’’ as defined in chapter 143 of title 46, United States Code, means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in annex 1 to the International Convention on Tonnage Measurement of Ships, 1969.

(7) INTERNATIONAL VOYAGE.—The term ‘‘international voyage’’ means a voyage by a vessel entitled to fly the flag of one country to or from a port, shipyard, offshore terminal or other place under the jurisdiction of another country.

(8) ORGANO Tin.—The term ‘‘organotin’’ means any compound or additive of tin bound to an organic ligand, that is used or intended to be used as biocide in an antifouling system.

(9) PERSON.—The term ‘‘person’’ means—

(A) any individual, partnership, association, corporation, or organized group of persons whether incorporated or not;

(B) any department, agency, or instrumentality of the United States, except as provided in section 3(b)(2); or

(C) any other government entity.
force regulations as may be necessary to carry out their respective responsibilities under this title.

SEC. 1014. COMPLIANCE WITH INTERNATIONAL CONVENTION

Any action taken under this title shall be taken in accordance with treaties to which the United States is a party and the United States' international obligations.

SEC. 1015. UTILIZATION OF PERSONNEL, FACILITIES OR EQUIPMENT OF OTHER FEDERAL DEPARTMENTS AND AGENCIES

The Secretary and the Administrator may utilize, hire, or contract without reimbursement, personnel, facilities, or equipment of other Federal departments and agencies in administering the Convention, this title, or any regulations prescribed under this title.

Subtitle B—Implementation of the Convention

SEC. 1021. CERTIFICATES

(a) REQUIREMENTS.—On entry into force of the Convention for the United States, any vessel of at least 400 gross tons that engages in international voyages (except fixed or floating platforms, FSUs, and FPSOs) shall carry an International Antifouling System Certificate.

(b) ISSUANCE.—On entry into force of the Convention, on a finding that a successful survey required by the Convention has been completed, a vessel of at least 400 gross tons that engages in at least one international voyage (except fixed or floating platforms, FSUs, and FPSOs) shall be issued an International Antifouling System Certificate. The Secretary may issue the Certificate required by this section. The Secretary may delegate this authority to an organization that the Secretary determines is qualified to undertake that responsibility.

(c) MAINTENANCE OF CERTIFICATE.—The Certificate required by this section shall be maintained as required by the Secretary.

(d) CERTIFICATES ISSUED BY OTHER PARTY COUNTRIES.—A Certificate issued by any country that is a party to the Convention has the same validity as a Certificate issued by the Secretary under this section.

(e) CERTIFICATES FOR NONPARTY COUNTRIES.—Notwithstanding subsection (a), a vessel of at least 400 gross tons, having the nationality of or entitled to fly the flag of a country that is a party to the Convention, may be issued a Certificate under the Convention available to the public through the docket established pursuant to that meeting, any comments responding to those notices, the minutes of that meeting, and materials presented at that meeting.

SEC. 1022. DECLARATION

(a) REQUIREMENTS.—On entry into force of the Convention for the United States, a vessel of at least 24 meters in length, but less than 400 gross tons engaged on international voyages (except fixed or floating platforms, FSUs, and FPSOs) must carry a declaration described in subsection (b) that is signed by the owner or owner’s authorized agent. That declaration shall be accompanied by appropriate documentation, such as a paint receipt or a contractor invoice, or contain an assessment.

(b) CONTENT OF DECLARATION.—The declaration must contain a clear statement that the antifouling system on the vessel complies with the Convention. The Secretary may prescribe the form and other requirements of the declaration.

SEC. 1023. OTHER COMPLIANCE DOCUMENTATION

In addition to the requirements under sections 1021 and 1022, the Secretary may require the submission of any other documentation considered necessary to verify compliance with this title.

SEC. 1024. PROCESS FOR CONSIDERATION OF ADDITIONAL ACTIONS

(a) ACTIONS BY ADMINISTRATOR.—The Administrator may—

SEC. 1025. SCIENTIFIC AND TECHNICAL RESEARCH AND MONITORING; COMMITTEE

The Secretary, the Administrator, and the Administrator of the National Oceanic and Atmospheric Administration may each undertake scientific and technical research and monitoring pursuant to article 8 of the Convention and to promote the availability of relevant information concerning—

(1) scientific and technical activities undertaken in accordance with the Convention;

(2) marine scientific and technological programs and their objectives; and

(3) the effects observed from any monitoring and assessment programs relating to antifouling systems.

SEC. 1026. COMMUNICATION AND EXCHANGE OF INFORMATION

(a) IN GENERAL.—Except as provided in subsection (b), with respect to those antifouling systems regulated by the Administrator, the Secretary shall provide to the Congress and the public the information necessary for an appropriate evaluation of the antifouling system.
enter at reasonable times any location where there is being held or may be held organotin or any other substance or antifouling system regulated under the Convention, for the purpose of inspecting samples of any containers or labeling for organotin or other substance or system regulated under the Convention.

(2) Suspension—In any investigation under this section the Administrator may issue subpoenas to require the attendance of any witness and the production of documents and other evidence. In case of refusal to obey such a subpoena, the Administrator may request the Attorney General to compel compliance.

(b) VIOLATIONS; SUBPOENAS.—In any investigation under section 1013, whenever any organotin or other substance or system regulated under the Convention has been or is intended to be manufactured, distributed, sold, or used in violation of this section, the Administrator may issue a stop manufacture, sale, use, or removal order. After receipt of that order the person may not manufacture, sell, distribute, use, or remove the organotin or other substance or system regulated under the Convention. After receipt of that order the person may not manufacture, sell, distribute, use, or remove the organotin or other substance or system regulated under the Convention described in the order except in accordance with the order.

SEC. 1034. CRIMINAL ENFORCEMENT.

Any person who knowingly violates paragraphs (2), (3), (4), or (5) of section 1031(a) or section 1031(b) shall be fined under title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 1042. INVESTIGATIONS AND INSPECTIONS BY SECRETARY.

(a) IN GENERAL.—The Secretary may conduct vessel inspections and investigations regarding a vessel’s compliance with this title or the Convention.

(b) VIOLATIONS; SUBPOENAS.—In any investigation under this section, the Secretary may issue subpoenas to require the attendance of witnesses and the production of documents and other evidence. In case of refusal to obey such a subpoena, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance.

(c) FURTHER ACTION.—On completion of an investigation, the Secretary may take whatever further action the Secretary considers appropriate under the Convention or this title.

(d) COOPERATION.—The Secretary may cooperate with other parties to the Convention in the detection of violations of the Convention and in enforcement of the Convention. Nothing in this section affects or alters requirements under any other laws.

SEC. 1043. PENALTY ENFORCEMENT.

(a) INSPECTIONS, SUBPOENAS.—(1) In general.—For purposes of enforcing this title or any regulation prescribed under this title, the Administrator or the employees of the Environmental Protection Agency or of any State designated by the Administrator may enter at reasonable times any location where there is being held or may be held organotin or any other substance or antifouling system regulated under the Convention, for the purpose of inspecting samples of any containers or labeling for organotin or other substance or system regulated under the Convention.
exclude the vessel from any port or offshore terminal under the jurisdiction of the United States.

(b) NOTIFICATIONS If action is taken under subsection (a), the Secretary, in consultation with the Secretary of State, shall make the notifications required by the Convention.

SEC. 1046. REFERRALS FOR APPROPRIATE ACTION BY FOREIGN COUNTRY.

Notwithstanding sections 1041, 1042, 1043, and 1945, if a violation of the Convention is committed by a vessel registered in or the nationality of a country that is a party to the Convention, or by a vessel operated under the authority of a country that is a party to the Convention, the Secretary, acting in coordination with the Secretary of State, may refer the matter to the government of the country whose registry or nationality of the vessel's vessel is operating, for appropriate action, rather than taking the actions otherwise required or authorized by this subtitle.

SEC. 1047. REMEDIES NOT AFFECTED.

(a) IN GENERAL.—Nothing in this title limits, denies, amends, modifies, or repeals any other remedy available to the United States.

(b) RELATIONSHIP TO STATE AND LOCAL LAW.—Nothing in this title limits, denies, amends, modifies, or repeals any rights under existing law, of any State, territory, or possession of the United States, or any political subdivision thereof, related to antifouling paint or any other antifouling system. Compliance with the requirements of a State, territory, or possession of the United States, or political subdivision thereof related to antifouling paint or any other antifouling system does not relieve any person of the obligation to comply with this title.

SEC. 1048. REPEAL.

The Organotin Antifouling Paint Control Act of 1988 (33 U.S.C. 2401 et seq.) is repealed.

Amend the title so as to read: “An Act to authorize the United States Coast Guard to carry out its important responsibilities to protect the United States—

...".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from New Jersey (Mr. LoBIONDO) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

MR. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Resolution 1665.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

The Coast Guard Authorization Act of 2010 is a bill this committee has worked on for the past 4 years, actually 6 years, starting in the time of the Republican majority, when our committee was united, our committee was unified behind this bill but we couldn't get the other body to act upon it. We have now happily been able to do so.

The bill will enable the Coast Guard to carry out its mission and meet its daily demands, allowing it to continue to be defined as the world's premier maritime service.

Over the past several years, the Coast Guard has fought international terrorism, defended Iraqi pipelines, patrolled for pirates in the Arabian Sea, saved thousands of lives during Hurricane Katrina, and is leading the response effort to the largest oil spill in U.S. history. It is vitally important to provide the Coast Guard with the support it needs to carry out its staff and carry out its everyday missions. We also need to make long overdue reforms that will enhance the Coast Guard's ability to carry out its responsibilities for maritime safety, for security, and protection of the environment. The bill we consider today carries out those objectives.

Mr. Speaker, I reserve the balance of my time.

Mr. LoBIONDO. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I thank the gentleman.

Mr. LoBIONDO, for his yielding, and also for the excellent job. There is no one more dedicated to the United States Coast Guard than the gentleman from New Jersey (Mr. LoBIONDO). He loves, works, breathes, just exists to assist the United States Coast Guard. I am very proud of that dedication he exhibits.

And also I have to compliment Mr. OBERSTAR, my partner. We have probably one of the greatest challenges of an Act to authorize this. I served in Congress. We have the largest committee in Congress, great deal of jurisdictional areas and none that we enjoy working on more than the United States Coast Guard. These are some fantastic Americans, one of the major service organizations of the United States, and sometimes I think the least recognized.

And we have been blessed with great leaders, Thad Allen. He came just at the right time, inherited so many problems, but I can't do an enumeration of the problems. I think he came on duty about the same time I became the ranking Republican, and I would get his calls. And he always handles every situation so professionally. We have been blessed as a Nation to have leadership in the Coast Guard like that, Thad Allen, now Admiral Papp. And poor Thad Allen, just when he thought he was about to retire, just at the end of his watch and serving on that incredible disaster in the gulf. And folks have to remember, the first responder to our shores is the United States Coast Guard, the protectors of our, not just maritime safety, but national security. And they have done that through their long, rich, and productive history.

So tonight, this is long overdue too, this authorization. I believe that is some 4 years in coming. I have been the ranking member for 3. And I am pleased that tonight, as the Congress probably will go into recess, that we are able to set with this bill that major policy decisions to operate the United States Coast Guard. This is the whole framework of Federal policy. You have to authorize these projects by the Constitution. Under the Constitution and laws, we must pass a law that gives them the authority to operate. So it is the framework, the policy. It really sets the funding parameters.

And I think also, I am pleased to rise on behalf of my side of the aisle. Right now, people—I just got back from my district and traveled in August across the United States—they are tired of huge expenditures, 200 percent increase. What a program of the original skyrocketing deficit that this Congress has brought on. This is a moderate increase. It represents a 3 percent increase, and I think it deserves and is worthy of our support.

The other thing about the Coast Guard is, they aren't like some agencies, lobbying for huge amounts of money, or this team of lobbyists or special interests or whoever coming here, whining, complaining, trying to get their way of the facts, of the programs. They just get their job done. And, again, I am pleased that we are finally getting our job done and authorizing this Coast Guard legislation.

Leadership by Mr. LoBIONDO and others who have worked on this, we blocked, I think, some—first of all, we blocked some devastating operational and structural policy changes that the Coast Guard did not want. The Coast Guard is, again, one of our service organizations, and it doesn't need to be hamstrung by Congress.

Safety is important, and we need the component of safety as one of their priorities. And I think we have properly put in the bill, fly-by-provisions that I don't think that they felt they could properly operate or live with. So I think, first of all, we have got that provision which is much better and will operate on a sounder basis.

The second thing is, there were provisions in here, and there are folks that had their own little interests, and some of those interests would have blocked our energy supplies. And as far as liquefied natural gas and bringing gas pipeline, one of our transportation experts I think we would have created higher costs for the consumers. I think the Northeast region in particular would have been hard hit by some of the original constraints and provisions that were in here. Yes, we want safety for the delivery of these kinds of fuels, but we also want reasonableness in the process. So we don't want to make, again, a problem where there isn't a problem. And we do need to have clean energy available at affordable price for the consumers. I think we have been able to do that.

We have also, I think, put provisions in here that protect America's ports.
There was a provision originally introduced that would have prohibited States from conducting additional background checks on port workers to ensure that drug smugglers and other convicted felons' access to secure areas of our ports was actually allowed unless this was a threat to States. We have been prohibited from, again, putting these provisions forward for safety and security.

We have seen what happened with the Federal Government in Arizona, and Arizona wants to enforce Federal immigration laws. States should be able to ensure that their ports are safe; and if they have the need of a background check, it should be done. And we shouldn’t have felons and others with bad records in some of the secure areas of our ports. So I think we have also improved the quality of that particular provision.

Then I think we have put some commonsense acquisition reform. When originally introduced, this bill would have, I think, created a disastrous reci- sce for failure for the United States Coast Guard to become a systems integrator. Now, I know we have had prob- lems. We had problems with the national security class Coast Guard cut- ter that we tried to produce for the first time. We had problems with changing out 110-foot Coast Guard cut- ters to a longer model—I believe it was a 123-foot version. Yes, we had prob- lems with some of these projects. But the answer isn’t for government to step in and create a huge operation. Our

Mr. Speaker, I will conclude on our side recognizing and acknowledging the splendid work and the diligent effort of the gentleman from Maryland (Mr. Cummings) who is the chair of the Coast Guard Subcommittee. He devoted an enormous amount of time, hours of effort in hearings, one of which went for 10 hours on the Coast Guard procurement program where we had to hear in great detail the failure of the Coast Guard, the private sector to self-certify, in effect. That was a massive failure of the procurement system. We went into great detail. Mr. Cummings spent an enormous amount of time and effort.

Mr. Lobiondo as well gave his expertise, his years of seasoning and understanding of the Coast Guard’s work. We passed major procurement re- form. The Senate passed it, and we do not have to include that language in this legislation. Those reforms are moving into place. We are not going to repeat those mistakes of the past. It was necessary to make those changes. It was urgent for the integrity of the Coast Guard and for its successful oper- ation. And all through this, the gentle- man from New Jersey (Mr. Lobiondo) who was a partner, he regu- larly participated in all of the sub- committee hearings and our markup and lent great expertise to the final product of the committee. For that, I am enormously grateful and recognize and acknowledge his splendid contribu- tion.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. Stupak) such time as he may consume.

Mr. Stupak. Mr. Speaker, I thank the chairman, and I thank the minority side for their help and assistance in this matter.
Mr. OBERSTAR. How much time remains on our side, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Minnesota has 13 minutes, and the gentleman from New Jersey has 9½ minutes.

Mr. OBERSTAR. I yield myself such time as I may consume.

I wish to express my appreciation to the ranking member of the full committee, Mr. MICA, who made a very elaborate statement about the provisions of the bill. I will not elaborate on it, except with him to point out that we are getting the best bargain perhaps in all of government—although he didn’t put it this way, I do—in supporting the missions of the Coast Guard. They are extraordinarily frugal and economical in carrying out their missions.

When I was elected to Congress in 1974 and started my service on the Merchant Marine and Fisheries Committee as well as the Public Works Committee, the Coast Guard’s authorized personnel was 39,000. Today, we increase it to 47,000. But in that almost 36 years, we have added 27 new missions to the Coast Guard without commensurately increasing their personnel.

The Coast Guard has proudly held itself up as a multimission agency, able to carry out numerous overlapping missions without adding personnel. We recognize, however, that there is a limit to how much you can stretch your existing personnel. By a modest increase in the Coast Guard’s personnel limit, we give them the personnel resources they will need to carry out the mission of the future for safety and for security.

Mr. Speaker, this also is a very nos- talgic moment for me. This year represents 31 years that John Cullather, the chairman of the Subcommittee, served on the Coast Guard, has served the House of Representatives. He started with our former colleague Don Pease as a legislative assistant, and then as counsel on the Committee on Merchant Marine and Fisheries. This will be the last bill that John Cullather will bring to the House floor as counsel of the Coast Guard Subcommittee.

He has served extraordinarily well, with a profound grasp of the legislative history of the Coast Guard, of our Merchant Marine forces, of maritime law. He is recognized widely across Washington as the font of knowledge on maritime law of the United States and, of course, specifically the Coast Guard.

John has told me just today of his intention this fall to retire from the House. We have had over these 30-plus years, and more specifically during the years he served on the Committee on Transportation and Infrastructure in that role of counsel.

When I think back over the long history of this country, in the First Congress, the third act of the first Congress was to establish the Revenue Cutter Service to collect duties from inbound cargoes and pay the debts of the Revolutionary War. That Revenue Cutter Service became what we know as the Coast Guard today.

John Cullather has served our maritime history as we went forward that enormously well with his rich knowledge of the practices and the strengths, as well as the weaknesses, the shortcomings of this service, and has constantly worked to improve the quality of service with the resources that the Coast Guard has at its disposal, to train its personnel, to make it the very best uniformed service of this country and the best of its kind in the world.

To John Cullather, I offer my enormous personal gratitude and the gratitude of all the members of the committee for his superb, stellar service on our committee for three-and-a-half decades.

I reserve the balance of my time.

Mr. LoBIONDO. Mr. Speaker, I yield myself such time as I may consume.

I want to again thank Mr. OBERSTAR for his diligent work on this, and Mr. MICA. A lot has been said by both Mr. OBERSTAR and Mr. MICA, but a couple of points need to be reiterated, I believe.

I think the men and women of the Coast Guard are some of the most under-recognized and under-appreciated patriots that we have in our country. For too many years a message was sent to them as we increased their mission that it was acceptable for them to be expected to do more with less. We send a very clear signal with this legislation that that is not the case.

I am very appreciative of the majority’s position in rejecting the President’s very misguided direction to cut the Coast Guard with personnel and funding, exactly the wrong message at the wrong time.

We can look to some other things that are in this bill that may not quite be as high profile, but there is a housing provision in this bill that the Master Chief of the Coast Guard, Mr. Bowen, Master Chief Bowen, came and talked about, the horrendous conditions that we are expecting men and women of the Coast Guard to live in, and this helps to correct that.

Another issue that is not at the forefront, but one that certainly was very short time ago, and that was the piracy issue. We are taking steps to allow the captain and crew of U.S. vessels to be able to defend themselves and their cargo. This is a good step in the right direction.

Over all, this bill is very, very much past due, and I am very pleased that we are going to be able to move forward with that. I want to thank Mr. OBERSTAR, Mr. CUMMINGS, Mr. MICA and all staff on both sides for so much in their doing.

I yield back the balance of my time.

Mr. OBERSTAR. I yield myself the balance of my time.

Again, in addition to Mr. Cullather, there are staff on the Republican side of the committee and other members on the majority side who have all worked together diligently. These have been stressful times these last several weeks as we worked to craft a bill that could pass the other body and overcome several reservations and objections raised.

We have accomplished that. We have done that in a bipartisan fashion and have brought to the House, and I think directly through the Senate to the President—it should go to the President this week and be signed, this authorization for the U.S. Coast Guard.

Again, it will be the culminating work of John Cullather in his service to the committee and to the Congress. I know, having served on the staff, without our dedicated, seasoned, career professional staff, we members of Congress would have had a very difficult task accomplishing our work.

I thank you on both sides for your splendid contributions, and to John Cullather, Semper Paratus.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of H.R. 3619, a bill to authorize the activities of the United States Coast Guard.

The version of this legislation passed the House in October of last year and was subsequently amended by the Senate in May.

Action on the resolution before us today would send the bill back to the Senate for passage, clearing it for signature by the President. H.R. 3619 provides long overdue resources to the Coast Guard—a multi-agency mission that has been without an authorization for many years.

As Chairman of the Committee on Homeland Security, I am especially pleased that the bill strengthens Coast Guard’s maritime security operations to meet the challenges of our post-9/11 world.

Specifically, the bill authorizes an end-of-year strength of 47,000 Service Members for FY 2011; enhances acquisition reform for essential Coast Guard assets, such as the National Security Cutter; strengthens the Coast Guard’s Maritime Security Response Team-related activities; increases the number of Coastal Security Detection Teams; requires that the biometric verification system for individuals interdicted at sea; authorizes interagency operational centers for port security; improves port security training for facility security officers; enhances security measures for liquefied natural gas (LNG) and other especially hazardous cargos; and authorizes a “see it, say it” type public awareness program for recreational boaters to report suspicious activities on the waters.

The bill also includes provisions that I fought hard for to improve the Transportation Worker Identification Credential (TWIC) program.

My Committee has done extensive oversight over the implementation of the TWIC program and, through that work, we have identified a number of areas where the program should be improved to take into account the interests of affected workers.

Specifically, H.R. 3619 includes provisions to: help workers who have applied for but are still waiting to receive the TWIC card to continue to work; improve TWIC application processing times; facilitate more convenient methods of applying for the credential; and require
GAO to look at whether DHS could mail credentials to applicants' homes like the State Department does with passports.

We received testimony on September 17, 2008, from a trucker who needlessly spent hours making multiple visits to an enrollment center for the TWIC process. Streamlining that process will save workers and their employers a significant amount of time that would otherwise be wasted.

Though this bill does a good deal to take into account the challenges that workers have experienced with the implementation of the TWIC program, I am disappointed that language from the House-passed version—dealing with prohibiting redundant federal and state background checks—is not included in this version of the legislation.

I was also dismayed that certain House provisions dealing with the Coast Guard Academy are not included in this version of the bill.

When the bill was passed by the House last year, I worked with the Coast Guard Subcommittee Chairman, Mr. CUMMINGS, to include a new process for Members of Congress to nominate candidates for the Coast Guard Academy—as we are able to do for other Military Service academies.

It also included language specifically authorizing a Minority Service Institution Management Internship Program. The Coast Guard lags behind the other Services in diversity and these measures were intended to help make the Coast Guard better reflect the American people.

Unfortunately, the provisions were removed from the bill due to objections by certain Members of the other body.

Nevertheless, what you have before you is a good and necessary bill.

It authorizes the resources and programs necessary to ensure that the Coast Guard is able to live up to its motto—"Always Ready." This bill and the United States Coast Guard deserve our support.

In closing, I would like to thank Chairman OBERSTAR and Chairman CUMMINGS for working to bring this bill to the floor.

I would also like to express my appreciation to Rear Admiral Dick and his staff for working so cooperatively, particularly to ensure that the maritime security needs of the Coast Guard are met.

It is my hope that our Senate colleagues will act expeditiously to clear the bill for the President.

Mr. OBERSTAR. Mr. Speaker, I rose today in strong support of H.R. 3619, as amended, the "Coast Guard Authorization Act of 2010." This bill is a comprehensive bill that will enable the Coast Guard to continue to perform and meet its missions, and to continue to be defined as the world's premier maritime service.

H.R. 3619 passed the House on October 23, 2009, and the Senate passed its version of the bill by unanimous consent on May 7, 2010.

Over the past several years, the Coast Guard has fought international terrorism, defended Iraqi pipelines, patrolled for pirates in the Arabian Sea, saved thousands of lives during Hurricane Katrina, and is now leading the response effort to the largest oil spill in U.S. history. It is now time for the Coast Guard to continue with the support that it needs to take care of its employees and carry out its everyday missions. At the same time, we need to make long overdue reforms, which will enhance the Coast Guard's ability to carry out its important responsibilities for maritime safety and security, and protection of the environment.

The bill that we consider today will carry out these reforms. Prior to the recent break, we are in agreement with the Senate on a bipartisan basis. I am hopeful that following our passage, the Senate will pass the bill before the recess. It will be one of the major accomplishments of the 111th Congress.

H.R. 3619 authorizes $10.2 billion for the Coast Guard, of which $6.9 billion is for operations and maintenance and $1.6 billion is for Acquisition, Construction, and Improvements (including $1.2 billion for the Deepwater program).

The Coast Guard is also authorized to install equipment for tracking vessels and to develop a long-term strategic plan. It is imperative for the Coast Guard to continue to be defined as the world's premier maritime service and meet its daily demands, allowing it to continue to serve as a liaison between the Coast Guard and the maritime community.

It also authorizes the reimbursement of medical-related travel for Coast Guard personnel who are assigned to the Armed Forces Retirement Home system to Coast Guard veterans. In addition, this administrative title authorizes active duty Coast Guard personnel who are assigned in support of a major disaster or spill of national significance to notify the Commandant of the Coast Guard to retain and promote officers that have specialized skills to meet the needs of the Coast Guard.

H.R. 3619 also makes changes to laws applying to shipping and navigation. It contains provisions that establish a civil penalty for the possession of controlled substances on vessels. Further, H.R. 3619 requires the Commandant of the Coast Guard and the Administrator of the Environmental Protection Agency to study new technologies for reducing emissions from cargo vessels, including measures to help ensure safe and secure shipping in the Arctic.

While the Coast Guard has made significant improvements in strengthening its acquisition workforce, H.R. 3619 requires the implementation of acquisition-related policies and procedures and personnel standards that will build on the acquisition reform efforts that the service has already undertaken. H.R. 3619 establishes training and experience standards for acquisition personnel and requires the Commandant to select a Chief Acquisition Officer who meets prescribed training and experience standards. In addition, title IV of H.R. 3619 establishes an Acquisition Directorate within the Coast Guard with a defined mission and a workforce dedicated to performance improvement functions.

H.R. 3619 modernizes the Coast Guard by reorganizing its senior leadership and establishing career tracks for its members to develop expertise in a specific Coast Guard mission. It is imperative for the Coast Guard to sustain a maritime safety program that is capable of preventing maritime casualties, mitigating circumstances of casualties, and maximizing the lives of a crew in the event of a casualty. Therefore, H.R. 3619 modernizes the management of the service's maritime safety program and requires minimum qualifications for maritime safety personnel. It also requires the Coast Guard to develop a long-term strategy for improving vessel safety, and authorizes creation of centers of expertise for marine safety.

In addition, H.R. 3619 enhances marine safety by establishing safety equipment and construction standards for uninspected commercial fishing vessels operating beyond three nautical miles of the coast of the United States. It requires fishing vessels of certain sizes and those that undergo substantial changes to comply with loadline regulations. H.R. 3619 also requires "safety management systems" on certain passenger vessels that establish safety and environmental protection policies and procedures for reporting accidents and responding to emergency situations. Further, it permits seamen who suffer discrimination because they report safety violations to use the same Department of Labor complaint process that is currently available to workers in the other transportation modes.

Focusing on improving oil pollution prevention, H.R. 3619 requires the Coast Guard to conduct a study and issue regulations to reduce the risk of oil spills during transfers of oil between vessels. In addition, H.R. 3619 extends liability for oil spills to the owners of tankers that ship oil on single oil pollution prevention, H.R. 3619 requires the Coast Guard to conduct a study and issue regulations to reduce the risk of oil spills during transfers of oil between vessels. In addition, H.R. 3619 extends liability for oil spills to the owners of tankers that ship oil on single oil pollution prevention, H.R. 3619 requires the Coast Guard to conduct a study and issue regulations to reduce the risk of oil spills during transfers of oil between vessels.
RESIDENTIAL AND COMMUTER TOLL FAIRNESS ACT OF 2010

Mr. MCMAHON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3960) to provide authority and sanction for the granting and issuance of programs for residential and commuter toll and fare discounts to captive tollpayers; or

(2) Revenue generated from these tolls is substantially constrained by geography; and

(3) Certain localities in the United States are situated on islands, peninsulas, or other locations in which transportation access is substantially constrained by geography, sometimes leaving residents of, or regular commuters to, those localities with no reasonable alternative for accessing or departing their neighborhood or place of employment without paying a transportation toll.

(4) Residents of, or regular commuters to, those localities often pay far more for transportation access than residents of, and commuters to, other areas for similar transportation options, and these increased transportation costs can impose a significant and unfair burden on these residents and commuters.

(5) To address this inequality, and to reduce the financial hardship often imposed on captive tollpayers, several public authorities have developed and implemented programs to provide discounts in transportation tolls.

The purpose of this Act is to clarify the existing authority of, and as necessary provide express authorization for, public authorities to offer discounts in transportation tolls to captive tollpayers.

SEC. 4. TRANSPORTATION TOLLS.

(a) Authority To Provide Discounts.—A public authority authorized to carry out a program that offers discounts in transportation tolls to captive tollpayers.

(b) Limitations on Statutory Construction.—Nothing in this Act may be construed to—

1. limit any other authority of a public authority, including the authority to offer discounts in transportation tolls to other tollpayers;

2. affect, alter, or limit the applicability of a State or local law with respect to the authority of a public authority to impose toll discounts.

SEC. 5. DEFINITIONS.

In this Act, the following definitions apply:

(A) is a resident of, or regular commuter to, a locality in the United States that is situated on an island, peninsula, or other area where transportation access is substantially constrained by geography; and

(B) is subject to a transportation toll when using a transportation facility to access or depart the locality.

(2) Public Authority.—The term ‘public authority’ has the meaning given that term by section 101 of title 23, United States Code.

(3) Transportation Facility.—The term ‘transportation facility’ includes a road, highway, bridge, rail, bus, or ferry facility.

(4) Transportation Toll.—The term ‘transportation toll’ means a toll or fare required for use of a transportation facility.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCMAHON) and the gentleman from New Jersey (Mr. LoBIONDO) will each control 20 minutes.

The Chair recognizes the gentleman from New York.

Mr. MCMAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCMAHON. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 3960, the Residential and Commuter Toll Fairness Act of 2010. This bill aims to protect locally provided residential commuter toll and fare discounts throughout the Nation.

Many of us represent people in communities burdened by high tolls and fares. Due to residing in geographically isolated areas, like residents on an island or peninsula, as well as the location of tolled roads and bridges, residents in and commuters to certain localities endure a disproportionate toll burden. These people are captive toll payers, have little or no choice but to pay much more in tolls than their fellow citizens even within the same region.
Thruway Authority, the U.S. Court of Appeals for the Second Circuit held that toll discounts for residents of towns bordering the New York State Thruway may be unconstitutional. The plaintiffs in Selevan claimed, among other things, that residents of toll discount programs may be a dormant commerce clause violation, but the U.S. District Court for the Northern District of New York dismissed their case. The Second Circuit’s decision has been reinstated, which will now move forward in the district court.

H.R. 3960 provides express congressional authorization for these discounts, and it makes clear that residential toll and fare discounts are constitutional, fair, and necessary to help alleviate the heavy toll burdens paid by so many captive tollpayers across the Nation. This is a national issue, affecting every person in communities burdened by high tolls and fares, many of whom would otherwise be unable to travel without these critical discounts.

Let me be clear about a few things:

First, the bill does not in any way limit the ability of State, local governments or local transportation agencies to provide discounts to captive tollpayers or to other tollpayers, nor does this bill provide any additional Federal authority over State or local decision-making. In fact, the bill actually safeguards current State and local power.

All this bill actually does is provide an extra layer of protection against court challenges for those States, local governments, and local transportation agencies that choose to offer discounts to captive tollpayers, like the people I represent, who suffer disproportionate toll burdens. Since article I, section 8 of the United States Constitution gives Congress “the power to regulate commerce among the several States,” H.R. 3960 provides an express congressional authorization for these discounts, and a number of localities have implemented programs that offer residentially-based toll discounts. The Federal Highway Administration recognizes the authority of States and localities to operate these toll discount programs.

H.R. 3960 does not mandate the use of these programs. It simply makes clear that Federal law allows public authorities to offer these programs to captive tollpayers.

In short, this bill reinforces the right of communities to reduce the extreme toll burdens borne by captive tollpayers, and it does so without infringing on any State or local laws or existing programs. I urge my colleagues to join me in supporting H.R. 3960.

Mr. LoBiondo. I yield back the balance of my time.

Mr. LoBIONDO. Mr. Speaker, the gentleman from New York did an excellent job of explaining how important this legislation is. It is a commonsense approach to solving a problem, and I support the bill.

Mr. OBERSTAR. Mr. Speaker, I rise today in strong support of H.R. 3960, as amended, the “Residential and Commuter Toll Fairness Act of 2010.”

The bill, introduced by the gentleman from New York (Mr. MCMAHON), clarifies the existing authority of, and as necessary provides express authorization for, public authorities to offer discounts in transportation tolls to residents of communities faced with limited transportation access and heavy toll burdens.

I have long been concerned about the high cost that highway or bridge tolls may impose on those who lack transportation alternatives. H.R. 3960 helps to respond to these concerns.

A number of communities across the nation have limited transportation access because the communities are located on islands, peninsulas, or other geographically-constrained areas. Furthermore, residents of, and commuters into, some of these localities face toll burdens every time they enter or depart their communities.

Due to geography and the presence of tolls, residents of communities often pay far more for transportation access than residents and commuters in other areas. Such increased transportation costs can impose a significant and unfair burden on these “captive toll payers.”

To address this inequality, and to reduce the under-involvement of these individuals, a number of localities have implemented programs that offer residentially-based toll discounts. The Federal Highway Administration recognizes the authority of States and localities to operate these toll discount programs.

H.R. 3960 does not mandate the use of these programs. It simply makes clear that Federal law allows public authorities to offer these programs to captive tollpayers.

In short, this bill reinforces the right of communities to reduce the extreme toll burdens borne by captive toll payers, and it does so without infringing on any State or local laws or existing programs.

I urge my colleagues to join me in supporting H.R. 3960.

Mr. LoBiondo. I yield back the balance of my time.

Mr. MCMAHON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question was taken; and (two minutes).
Mr. LOBIONDO, for yielding.

Specifically, this legislation directs the GAO to undertake an "ongoing independent investigation and audit" of the BP fund and claims process—specifically targeting the effectiveness of the fund and claims process, the efficiency in which the claims process operates, and the accuracy in accounting for and paying out of the fund. The legislation authorizes GAO to use its underlying subpoena power, where necessary, to ensure the accuracy and completeness of its audit and investigation.

Finally, Mr. Speaker, this legislation requires the GAO to issue a report to Congress every 90 days during its audit and investigation, as well as a final report to Congress when the BP fund and claims process is completed. This information is essential for Congress to continue its ongoing oversight of the response and recovery of what is now likely the world's fifth largest oil spill in history.

I reserve the balance of my time.

Mr. LOBIONDO. I yield such time as may be necessary to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. I thank my friend, the gentleman from New Jersey (Mr. LOBIONDO), for yielding.

Mr. Speaker. I rise today in support of H.R. 6016, the Audit the BP Fund Act of 2010. I urge support for the bill that would provide for an ongoing independent Government Accountability Office investigation and audit of the operations of the compensation fund created by BP to reimburse those who were harmed by the BP Deepwater Horizon oil spill in the Gulf of Mexico beginning on April 20, 2010.

The legislation fully determines the effectiveness, including the timeliness of claim payments and the accuracy of these operations in determining amounts of damages compensated.

I believe the BP fund was established to help make whole the economies along the gulf coast that were damaged or destroyed by the disaster. $20 billion, as we know, is a tremendous amount of money, and it can go a long way to compensate gulf coast victims of the spill.

We must ensure that compensation is done fairly, timely, and without bias, political pressure, or fraud.

We have heard complaints from State and local attorneys critical of the overly restrictive terms. Others have said there's not been enough time to assess the damages. Others are concerned that fraudsters will take money away from those honest people and families and businesses that are waiting for their dollars.

And thus far, the fund has paid out about $400 million to approximately 30,000 claimants. Obviously, that is only 2 percent of the fund. That is slow—we think a little too inefficient for those who have been damaged—and this is precisely why we need this bill, to ensure that the fund functions as it should.

With that, I urge support for H.R. 6016.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 6016, as amended, the "Audit the BP Fund Act of 2010". This legislation requires the Government Accountability Office (GAO) to undertake an ongoing audit and investigation of the BP Oil Spill Victims Compensation Fund (Fund). This bill authorizes GAO to use its subpoena power to ensure that victims of the oil spill are provided with compensation in a timely manner, the claim amounts are determined accurately, and that the operations of the compensation fund are conducted with integrity and good governance. GAO will be required to report its findings to Congress every 90 days until the operations of the Fund are completed, in approximately three years.

The BP Deepwater Horizon oil spill caused immeasurable damage both to the livelihoods of the Gulf coast population and to the Gulf coast ecosystem. From the outset, BP volunteered that it would compensate victims of the spill for their losses. However, as with any process for compensation, there is a need for transparency, for efficiency and for equity in compensation. This legislation can provide another avenue to ensure that these essential elements are included in any compensation paid out of the BP fund and claims process.

The legislation requires the GAO to issue a report to Congress every 90 days during its audit and investigation, as well as a final report to Congress when the BP fund and claims process is completed. This information is essential for Congress to continue its ongoing oversight of the response and recovery of what is now likely the world's fifth largest oil spill in history.

I reserve the balance of my time.

Mr. LOBIONDO. I yield such time as may be necessary to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. I thank my friend, the gentleman from New Jersey (Mr. LOBIONDO), for yielding.

Mr. Speaker. I rise today in support of H.R. 6016, the Audit the BP Fund Act of 2010. I urge support for the bill that would provide for an ongoing independent Government Accountability Office investigation and audit of the operations of the compensation fund created by BP to reimburse those who were harmed by the BP Deepwater Horizon oil spill in the Gulf of Mexico beginning on April 20, 2010.

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With that, I urge support for H.R. 6016.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 6016, as amended, the "Audit the BP Fund Act of 2010". This legislation requires the Government Accountability Office (GAO) to undertake an ongoing audit and investigation of the BP Oil Spill Victims Compensation Fund (Fund). This bill authorizes GAO to use its subpoena power to ensure that victims of the oil spill are provided with compensation in a timely manner, the claim amounts are determined accurately, and the operations of the compensation fund are conducted with integrity and good governance. GAO will be required to report its findings to Congress every 90 days until the operations of the Fund are completed, in approximately three years.

The BP Deepwater Horizon oil spill caused immeasurable damage both to the livelihoods of the Gulf coast population and to the Gulf coast ecosystem. From the outset, BP volunteered that it would compensate victims of the spill for their losses. However, as with any process for compensation, there is a need for transparency, for efficiency and for equity in compensation. This legislation can provide another avenue to ensure that these essential elements are included in any compensation paid out of the BP fund and claims process.

The legislation requires the GAO to issue a report to Congress every 90 days during its audit and investigation, as well as a final report to Congress when the BP fund and claims process is completed. This information is essential for Congress to continue its ongoing oversight of the response and recovery of what is now likely the world's fifth largest oil spill in history.

I reserve the balance of my time.

Mr. LOBIONDO. I yield such time as may be necessary to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. I thank my friend, the gentleman from New Jersey (Mr. LOBIONDO), for yielding.

Mr. Speaker. I rise today in support of H.R. 6016, the Audit the BP Fund Act of 2010. I urge support for the bill that would provide for an ongoing independent Government Accountability Office investigation and audit of the operations of the compensation fund created by BP to reimburse those who were harmed by the BP Deepwater Horizon oil spill in the Gulf of Mexico beginning on April 20, 2010.

The legislation fully determines the effectiveness, including the timeliness of claim payments and the accuracy of these operations in determining amounts of damages compensated.

I believe the BP fund was established to help make whole the economies along the gulf coast that were damaged or destroyed by the disaster. $20 billion, as we know, is a tremendous amount of money, and it can go a long way to compensate gulf coast victims of the spill.

We must ensure that compensation is done fairly, timely, and without bias, political pressure, or fraud.
Whereas the 2010 National Book Festival will be held on the National Mall on September 25, 2010, and will be sponsored and organized by the Library of Congress and supported by Co-chairs President Barack Obama and First Lady Michelle Obama: Now, therefore, be it
Resolved, That the House of Representatives—
(1) recognizes the commitment and efforts made by the Library of Congress to promote the joy of reading through the sponsorship of the National Book Festival;
(2) recognizes and emphasizes the important historic and ongoing role of the Library of Congress in organizing and running the National Book Festival; and
(3) encourages all Americans to celebrate the 10th National Book Festival, “A Decade of Words and Wonder”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. Davis) and the gentleman from California (Mr. Daniel E. Lungren) each will control 20 minutes.
The Chair recognizes the gentlewoman from California.

Mrs. Davis of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. Davis of California. I yield myself such time as I may consume.

Today, we commemorate the 10th anniversary of the National Book Festival. The Library of Congress’ commitment to the spread of knowledge is well-known and so is their unbridled joy of books and reading.

I am pleased to be a cosponsor of this resolution, along with all the members of the Committee on House Administration, and would like to congratulate the Library of Congress on another highly successful National Book Festival and laud their continued efforts to spread the joy and wonder of reading.

I reserve the balance of my time.

Mr. Daniel E. Lungren of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 1646. I was privileged to be the main sponsor of this, but this is one of those unique bills where every member of the Committee on House Administration, and would like to congratulate the Library of Congress on another highly successful National Book Festival and laud their continued efforts to spread the joy and wonder of reading.

I reserve the balance of my time.

Mr. Daniel E. Lungren of California. Mr. Speaker, I yield back the balance of my time.

Mrs. Davis of California. Mr. Speaker, I urge my colleagues to join me in support of this resolution.

Mr. Daniel E. Lungren of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. Davis) that the House suspend the rules and agree to the resolution. H. Res. 1646.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

FEDERAL ELECTION INTEGRITY ACT OF 2010

Mrs. Davis of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 512) to amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 512

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 “Federal Election Integrity Act of 2010”.

SEC. 2. FINDINGS.
Congress finds that—
(1) chief State election administration officials have served on political campaigns for Federal candidates whose elections those officials will supervise;
(2) such partisan activity by the chief State election administration official, an individual charged with certifying the validity of an election, represents a fundamental conflict of interest that may prevent the official from ensuring a fair and accurate election;
(3) this conflict impedes the legal duty of chief State election administration officials to supervise Federal elections, undermines the integrity of Federal elections, and diminishes the people’s confidence in our electoral system by casting doubt on the results of Federal elections;
(4) the Supreme Court has long recognized that Congress’s power to regulate Congressional elections under Article I, Section 4, Clause 1 of the Constitution is both plenary and powerful; and
(5) the Supreme Court and numerous appellate courts have recognized that the broad power given to Congress over Congressional elections extends to Presidential elections.

SEC. 3. PROHIBITION ON CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION ADMINISTRATION OFFICIALS.
(a) In General.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting after section 319 the following new section:

“CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION ADMINISTRATION OFFICIALS.
“(a) In General.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting after section 319 the following new section:

“SEC. 319A. (a) Prohibition.—It shall be unlawful for a chief State election administration official to take an active part in political management or in a political campaign on behalf of any Federal candidate whose election those officials are responsible for supervising.

“(b) CHIEF STATE ELECTION ADMINISTRATION OFFICIAL.—The term ‘chief State election administration official’ means the highest State official with responsibility for the administration of Federal elections under State law.

“(c) Active Part in Political Management or in a Political Campaign.—The term ‘active part in political management or in a political campaign’ means—

“(1) serving as a member of an authorized committee of a candidate for Federal office; or
“(2) the solicitation, acceptance, or receipt of a contribution from any person on behalf of a candidate for Federal office; or
“(3) any other act which would be prohibited under paragraph (3) of subsection (b) of title 5, United States Code, if taken by an individual to whom such paragraph applies (other than any prohibition on running for public office); or
“(4) Exception for Campaigns of Official or Immediate Family Members.—
It’s right. Under current law—people probably are surprised by this. Under current law, the chief election official, the person who actually is certifying the final validity of the results, can be actively backing a side by giving a candidate money or other support. It is the equivalent of a person being a player and referee at the same time. In sports, everyone knows who the refs are because they wear the stripes. In elections, the officials can actually run plays on the field and blow the whistle, all while wearing team jerseys and being head of the booster club.

The election official may be and probably is—I would suspect mostly is making the right calls. But it doesn’t look unbiased, and it certainly doesn’t inspire confidence in the system and in the results.

As a former president of the League of Women Voters in San Diego and a proud American voter myself, I know that election officials are entrusted with a crucial responsibility for our democracy. Their only allegiance must be to the will of the voters, not to partisan political agendas or special interests.

Americans are craving good government solutions to problems facing our country, and this legislation is just that: Congress should not wait for another Florida or Ohio before passing a bill that should not be a partisan fight. In fact, this isn’t a partisan issue. It’s an issue of preserving the American people’s faith and the integrity of our democracy. This bill will finally close the door on inherent conflict of interest. It certainly won’t solve everything, but it will help prevent future controversies.

Those who want to oppose this bill can come up with all kinds of excuses for their position. But let’s be clear: A vote against this bill is a vote for allowing those who certify our elections to fund-raise and rally for candidates of their choice. If you want our elections to appear tainted, then go ahead and vote against this bill. But if you think election officials should join Federal judges in restraining from political activity, then I hope my colleagues will join me in voting for this bill.

Mr. Speaker, I reserve the balance of my time. Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I’m sorry that after the wonderful bipartisanship on the last vote today I have to rise in opposition to H.R. 512. When I heard the gentlelady talking about the analogy to a football referee having a conflict with a team playing, I was reminded of the game I saw this last weekend where unfortunately my alma mater didn’t do too well against a Pac-10 team with Pac-10 referees. As a matter of fact, there was one case where it was clear that the fullback for Stanford didn’t even come close to making a first down, and yet with some myopic vision, they were given a first down. But I would not suggest there was a conflict there. The way we played, we would have lost anyway.

I would just say that we should proceed with great caution before depriving any individual State official or non-State official of their full rights as citizens to participate in the electoral process. Unfortunately, I feel the majority has precedent with H.R. 512 without adequate justification. The bill does prohibit the chief State election administrator from taking an active role in a political campaign of any Federal office.

And while this bill places significant restrictions on the ability of secretaries of State to participate in the political process, it does so, in my judgment, without producing any justification why such a drastic action is warranted. Restricting the State of California from their First Amendment right to speak without any history of abuse is a dangerous precedent this House should not undertake.

I noticed that in the bill before us, we have exceptions. That is, if the secretary of State is himself or herself running for Federal office, they continue to be the secretary of State and the chief election officer. The analogy to a Federal judge is an inept analogy because, I believe, under the canons of ethics a Federal judge cannot run for another Federal office while still occupying the position of Federal judge. Also, if an immediate family member is running, she—or he—is allowed to continue to participate fully in all of that election process.

It would seem to me that if you are going to argue for this bill on the basis of a conflict of interest, why do you expect the greatest conflict of interest that there would be? That is, if the election official is running for a Federal office, she is allowed to do so and continue to be the chief election officer. If one of her immediate family members is running, she—or he—is allowed to continue to participate fully in all of that election process.

Now, if, in fact, the concern of the majority is that there is a conflict of interest, it is interesting that what most people would consider the greatest example of a conflict of interest is not covered here. Now I will listen to the majority as they tell us why that happens. Perhaps it is what we call that difficult truth. The Constitution might come into play here. But I would just wonder why, if they are going to say this is absolutely necessary and that any of us vote against it must want conflicts of interest, must wish that we have this cloud over our elections to exist, why those situations where the greatest opportunity for that concern are specifically exempted under the terms of this bill.
Mr. Speaker, I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, it is really interesting to me because one of the first things I think of is that I was once married to someone who was the Secretary of State in California, and that's a very different situation. And I think it's really important that we understand what this is about. And I believe that we do have some rules, and I think we need to understand that voters trust the election. That is what this is about. And I think it is solving a very important one for voters. And they do need to feel, and we saw it happen in our history, in our pretty recent history, that it is an issue for people.

Why shouldn't we be concerned that their State official person who is overseeing, who is supervising elections doesn't have a bias that is quite clear? Mr. Speaker, many years ago I was very active with the League of Women Voters. And one of the rules is, if you are a key official, a vice president overseeing the election process for that organization, for the community, or a president, that you don't get involved in political activity. That is one of the rules. I thought it was a great rule, and I was very happy to adhere to it.

This gets to be serious business because we have people out in the streets and we know that because they were concerned about this issue. So I think this is important. It is very narrowly drawn, of course, and it should be. And I would certainly hope that my colleagues would really take a serious look at this because we need to ensure that voters trust the election. That is what this is about. And I believe that they have every right, and we have every right to make certain that that judgment is there, and that there is nothing that gets in the way between the voters and the political process.

Remember, these are Federal elections. And article I, section 4 of the Constitution gives Congress the authority to make laws governing the time, the place and the manner of holding Federal elections. This is in our purview. I urge my colleagues to support this measure.

Mr. Speaker, I yield back the balance of my time.
The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. Davis) that the House suspend the rules and pass the bill, H.R. 512, as amended.

The question was taken. The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it. Mr. DANIEL E. LUNGREN of California, Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 512, the Federal Election Integrity Act, as amended, for printing in the CONGRESSIONAL RECORD.


|----------------|------|------|------|------|------|------|------|------|------|------|------|-----------|
| Statutory Pay-As-You-Go Impact | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0

* H.R. 512 would amend the Federal Election Campaign Act of 1971 to prohibit any chief state election administration official from taking part in the political management or campaign for any federal office, except under specified circumstances. Enacting the legislation could affect federal revenues by increasing the collections of fines for violations of the law. Such collections are recorded in the budget as revenues and in certain cases, may be spent without further appropriation. CBO estimates that any additional revenues and direct spending would be insignificant because of the small number of anticipated violations.

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 3421, the Medical Debt Relief Act, as amended, for printing in the CONGRESSIONAL RECORD.


|----------------|------|------|------|------|------|------|------|------|------|------|------|-----------|
| Statutory Pay-As-You-Go Impact | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0

* H.R. 3421 would prohibit credit reporting agencies from listing certain medical debts in consumer credit reports. Enacting the bill could increase the collection of civil penalties and this could affect federal revenues. CBO estimates that those amounts would not be significant.

Pursuant to Public Law 111–139, after consultation with the Chairman of the Senate Budget Committee, and on behalf of both of us, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the House amendment to the Senate amendment to the bill H.R. 3619, the Coast Guard Authorization Act, for printing in the CONGRESSIONAL RECORD.


|----------------|------|------|------|------|------|------|------|------|------|------|------|-----------|
| Statutory Pay-As-You-Go Impact | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0

* Title VI of H.R. 3619 would authorize the U.S. Coast Guard (USCG) to extend certain expiring marine licenses, certificates of registry, and merchant mariners’ documents. Because the extension could delay the collection of fees charged for renewal of such documents, enacting this provision could reduce offsetting receipts over the next year or two. Some of these receipts may be spent without further appropriation, however, to cover collection costs. CBO estimates that the net effect on direct spending from enacting this provision would be insignificant. Title X of the legislation would establish new criminal and civil penalties. CBO estimates that any new revenues resulting from those penalties or related direct spending (of criminal penalties from the Crime Victims Fund) would be less than $500,000 a year. Other provisions of H.R. 3619 would direct the USCG to donate certain real and personal property to local governments or other nonfederal entities. CBO expects that, under current law, nearly all of that property would either be retained by the USCG or eventually given to other federal or nonfederal entities, therefore, donating those assets under the legislation would result in no significant loss of offsetting receipts.

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 4168, the Algae-based Renewable Fuel Promotion Act, as amended, for printing in the CONGRESSIONAL RECORD.


|----------------|------|------|------|------|------|------|------|------|------|------|------|-----------|
| Statutory Pay-As-You-Go Impact | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0

* H.R. 4168 would allow certain algae-based renewable fuels to qualify for the cellulosic biofuel tax credit, and would make the production facilities of those fuels eligible for the bonus depreciation allowed to cellulosic fuel facilities. The staff of the Joint Committee on Taxation estimates that the effect of these changes on federal revenues would be insignificant in any year and over the 2010–2020 period.

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 4337, the Regulated Investment Company Modernization Act, as amended, for printing in the CONGRESSIONAL RECORD.
EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker’s table and referred as follows:

Pursuant to Public Law 111–138, Mr. SPRATZ hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5360, the Blinded Veterans Adaptive Housing Improvement Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.


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Note: H.R. 4337 would make a number of changes to the tax treatment of income from certain regulated investment companies. On net, the staff of the Joint Committee on Taxation estimates that these changes would increase federal revenues over the 2010–2020 period.

Pursuant to Public Law 111–138, Mr. SPRATZ hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 6026, the Access to Congressionally Mandated Reports Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 6026, THE ACCESS TO CONGRESSIONALLY MANDATED REPORTS ACT, AS PROVIDED TO CBO ON SEPTEMBER 27, 2010

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Note: H.R. 5360 contains several provisions that would both increase and decrease the costs of certain veterans’ programs, including veterans’ housing assistance, veterans’ readjustment benefits, and employment.

Pursuant to Public Law 111–138, Mr. SPRATZ hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 6132, the Veterans Benefits and Economic Welfare Improvement Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.


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Note: H.R. 6132 would make a number of changes to the tax treatment of income from certain regulated investment companies. On net, the staff of the Joint Committee on Taxation estimates that these changes would increase federal revenues over the 2010–2020 period.

*H.R. 4337 would make a number of changes to the tax treatment of income from certain regulated investment companies. On net, the staff of the Joint Committee on Taxation estimates that these changes would increase federal revenues over the 2010–2020 period.

*H.R. 6026 would require that all congressionally mandated reports be made available to the public on a website operated by the Office of Management and Budget. Enacting the legislation could affect direct spending by agencies not funded through annual appropriations, such as the Tennessee Valley Authority and the Bonneville Power Administration. CBO estimates, however, that any net increase in spending by those agencies would not be significant. Enacting H.R. 6026 would not affect revenues.

*H.R. 6132 would exclude certain payments from the annual income determination for veterans pension purposes, extend the authority for the Department of Veterans Affairs to complete an income verification match with the Internal Revenue Service, and increase the amount of monthly pension payable to Medal of Honor recipients.

*H.R. 5360 would contain several provisions that would both increase and decrease the costs of certain veterans’ programs, including veterans’ housing assistance, veterans’ readjustment benefits, and employment.

*H.R. 6132 would make a number of changes to the tax treatment of income from certain regulated investment companies. On net, the staff of the Joint Committee on Taxation estimates that these changes would increase federal revenues over the 2010–2020 period.

*H.R. 6132 would exclude certain payments from the annual income determination for veterans pension purposes, extend the authority for the Department of Veterans Affairs to complete an income verification match with the Internal Revenue Service, and increase the amount of monthly pension payable to Medal of Honor recipients.
A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department’s final rule — Defense Federal Acquisition Regulation Supplement: Acquisition Strategies to Ensure Competition throughout the Life Cycle of Major Defense Acquisition Programs (DFARS Case 2009-D014) (RIN: 0007-AK70) received September 2, 2010, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Armed Services.

A letter from the Director, Department of Defense, transmitting interim report on the submission of a plan for actions to eliminate the need for members of the National Guard and Reserve to rely on the supplemental nutrition assistance program; to the Committee on Armed Services.

A letter from the Chair, Congressional Oversight Panel, transmitting the Panel’s monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

A letter from the Acting Director, Single Family Housing Guaranteed Loan Division, the Federal Housing Administration, transmitting the Department’s final rule — Guaranteed Single Family Housing Loans (RIN: 0575-AC56) received August 26, 2010, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Financial Services.

A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Energy and Commerce.

A letter from the Chairman and President, Export-Import Bank, transmitting a report involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Energy and Commerce.

A letter from the Chairman and President, Export-Import Bank, transmitting the Department’s final rule — Federal Motor Vehicle Theft Prevention Standard; Final Listing of 2011 Light Duty Truck Line Subject to the Requirements of This Standard and Effective for Model Year 2011 (Docket No.: NHTSA-2010-0070) (RIN: 2127-AK68) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Energy and Commerce.

A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

A letter from the Secretary, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

A letter from the Secretary, Export-Import Bank, transmitting the Department’s final rule — Approval and Promulgation of Air Quality Implementation Plans; Louisville; Baton Rouge 8-Hour Ozone Non-attainment Area; Determination of attainment of the 8-Hour Ozone Standard (EPA-R06-OAR-2010-0113; FRL-9197-8) received September 2, 2010, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Energy and Commerce.

A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department’s final rule — Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Baton Rouge 8-Hour Ozone Non-attainment Area; Determination of attainment of the 8-Hour Ozone Standard (EPA-R06-OAR-2010-0113; FRL-9197-8) received September 2, 2010, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Energy and Commerce.
transmitting the Department's annual report on the extent and disposition of United States contributions to international organizations for fiscal year 2009, pursuant to 22 U.S.C. 7207(b); to the Committee on Foreign Affairs.

9708. A letter from the Acting Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

9709. A letter from the Acting Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

9710. A letter from the Chairman, National Transportation Safety Board, transmitting in accordance with Pub. L. 105-270, the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Board's inventory of commercial activities for 2009; to the Committee on Oversight and Government Reform.


9712. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PILATUS AIRCRAFT LTD. Model PC-12/47E Airplanes [Docket No.: FAA-2009-1147; Director Identifier 2010-NE-068-AD; Amendment 39-16585; AD 2010-17-06] (RIN: 2120-AAA4) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9713. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model MD-90-30 Airplanes [Docket No.: FAA-2007-28633; Directorate Identifier 2007-NE-213-AD; Amendment 39-16418; AD 2010-0583; Directorate Identifier 2010-NE-213-AD; Amendment 39-16420; AD 2010-17-10] (RIN: 2120-AAA4) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9714. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada Corp. PW615F-A Turbofan Engines [Docket No.: FAA-2009-1157; Directorate Identifier 2009-NE-41-AD; Amendment 39-16494; AD 2010-17-12] (RIN: 2120-AA46) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9715. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada Corp. (P&W) PW150F-A Turbofan Engines [Docket No.: FAA-2010-0246; Directorate Identifier 2010-NE-16-16-AD; Amendment 39-16391; AD 2010-17-01] (RIN: 2120-AAA6) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9716. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd. & Co. KG. (RRD) Models Tay 650-19 and Tay 651-54 Turbofan Engines [Docket No.: FAA-2010-0255; Directorate Identifier 2010-NE-15-AD; Amendment 39-16388; AD 2010-17-06] (RIN: 2120-AA46) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9717. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dowa Propellers R408-121BF17 Model Propellers [Docket No.: FAA-2009-0776; Directorate Identifier 2009-NE-32-AD; Amendment 39-16403; AD 2010-17-11] (RIN: 2120-AA46) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9718. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RR211-22B and RR211-524 Series Turbofan Engines [Docket No.: FAA-2009-1157; Directorate Identifier 2009-NE-41-AD; Amendment 39-16494; AD 2010-17-10] (RIN: 2120-AA46) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9719. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Industrie Model CON TX Airplanes [Docket No.: FAA-2010-0800; Directorate Identifier 2010-NE-162-AD; Amendment 39-16416; AD 2010-18-03] (RIN: 2120-AAA4) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9720. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Restricted Area R-3405; Sullivan, IN [Docket No.: FAA-2007-28333; Airspace Management] received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9721. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30739; Amdt. No. 3387] received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9722. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30739; Amdt. No. 3387] received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9723. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30739; Amdt. No. 3387] received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9724. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Maneuvering Speed Limitation Statement [Docket No.: FAA-2010-0763; Directorate Identifier 2009-NE-253-AD; Amendment 39-16389; AD 2010-17-05] (RIN: 2120-AA46) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9725. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Maneuvering Speed Limitation Statement [Docket No.: FAA-2010-0763; Directorate Identifier 2009-NE-253-AD; Amendment 39-16389; AD 2010-17-05] (RIN: 2120-AA46) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9726. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Aeronautical Information Publications [Docket No.: FAA-2010-0041; Directorate Identifier 2009-NE-213-AD; Amendment 39-16405; AD 2010-17-13] (RIN: 2120-AA46) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
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801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9734. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Eurocopter France (Eurocopter) Model AS350B, AS355F1 and AS355F2 Helicopters and Model AS355F, F1, F2, and N Helicopters (Docket No.: FAA-2010-0782; Directorate Identifier 2010-W-52-AD; Amendment 9740; RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9738. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Rolls-Royce plc (RR) RB211-Trent 900 Series Turbofan Engines (Docket No.: FAA-2010-0618; Directorate Identifier 2010-NE-09-AD; Amendment 9748; RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9740. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model Avro 146-RJ and BAE 146 Airplanes (Docket No.: FAA-2010-0222; Directorate Identifier 2008-NM-012-AD; Amendment 9753; RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9741. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-601B, and F4-600B Series Airplanes, and Model C4-665R Variant F Passengers (Collectively Called A300-600 series airplanes); to the Committee on Transportation and Infrastructure.

9742. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Department’s final rule — Pipeline Safety: Periodic Inspection of Interconnection to Technical Standards and Miscellaneous Edits (Docket No.: PHMSA-2008-0801; Amdt. Nos. 192-114; 193-22; 185-94) (RIN: 2137-AE51) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9743. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department’s final rule — Ocean Dumping; Guam Ocean Dumping Controlled Disposal Site Designation (FRL-9197-6) received September 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9744. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency’s report entitled, “Report to Congress on Measures Incident to Normal Operation of Commercial Fishing Vessels and Other Non-Recreational Vessels Less than 79 Feet”; to the Committee on Transportation and Infrastructure.

9745. A letter from the Director, Regulations Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department’s final rule — Medicare Program; Establishing Additional Medicare Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Supplier Enrollment Safeguards (CMS-6063-F) (RIN: 0938-A090) received August 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FILNER: Committee on Veterans’ Affairs. H.R. 3685. A bill to require the Secretary of Veterans Affairs to include on the main page of the Internet website of the Department of Veterans Affairs a hyperlink to the successor Internet website and to publicize such Internet website (Rept. 111-625). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans’ Affairs. H.R. 3787. A bill to amend title 38, United States Code, to deem certain service in the reserve components as active service for purposes of laws administered by the Secretary of Veterans Affairs; with an amendment (Rept. 111-625). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans’ Affairs. H.R. 5993. A bill to amend title 38, United States Code, to provide for qualification for vocational rehabilitation counselors and vocational rehabilitation employ- ment coordinators employed by the Department of Veterans Affairs (Rept. 111-627). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans’ Affairs. H.R. 5360. A bill to amend title 38, United States Code, to modify the standard of eligibility for specialized housing assistance provided by the Secretary of Veterans Affairs; with an amendment (Rept. 111-628). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans’ Affairs. H.R. 5630. A bill to amend title 38, United States Code, to provide for qualifications for vocational rehabilitation counselors and vocational rehabilitation employment coordinators employed by the Department of Veterans Affairs (Rept. 111-627). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3421. A bill to exclude from consumer credit reports medical debt that has been fully paid or settled, and for other purposes; with an amendment (Rept. 111-629). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3421. A bill to exclude from consumer credit reports medical debt that has been fully paid or settled, and for other purposes; with an amendment (Rept. 111-629). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3421. A bill to exclude from consumer credit reports medical debt that has been fully paid or settled, and for other purposes; with an amendment (Rept. 111-629). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3421. A bill to exclude from consumer credit reports medical debt that has been fully paid or settled, and for other purposes; with an amendment (Rept. 111-629). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3421. A bill to exclude from consumer credit reports medical debt that has been fully paid or settled, and for other purposes; with an amendment (Rept. 111-629). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3421. A bill to exclude from consumer credit reports medical debt that has been fully paid or settled, and for other purposes; with an amendment (Rept. 111-629). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3421. A bill to exclude from consumer credit reports medical debt that has been fully paid or settled, and for other purposes; with an amendment (Rept. 111-629). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3421. A bill to exclude from consumer credit reports medical debt that has been fully paid or settled, and for other purposes; with an amendment (Rept. 111-629). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3421. A bill to exclude from consumer credit reports medical debt that has been fully paid or settled, and for other purposes; with an amendment (Rept. 111-629). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3421. A bill to exclude from consumer credit reports medical debt that has been fully paid or settled, and for other purposes; with an amendment (Rept. 111-629). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3421. A bill to exclude from consumer credit reports medical debt that has been fully paid or settled, and for other purposes; with an amendment (Rept. 111-629). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3421. A bill to exclude from consumer credit reports medical debt that has been fully paid or settled, and for other purposes; with an amendment (Rept. 111-629). Referred to the Committee of the Whole House on the State of the Union.
to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' affairs.
H.R. 6132. A bill to amend title 38, United States Code, to establish a training program for new veterans, to improve the disability claim system, and for other purposes; with an amendment (Rept. 111–638). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce.
H.R. 2988. A bill to expand the research activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention, and to address scleroderma, and for other purposes; with an amendment (Rept. 111–631). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce.
H.R. 1347. A bill to amend title III of the Public Health Service Act to provide for the establishment of pediatric research consortia; with an amendment (Rept. 111–640). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce.
H.R. 5462. A bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program; with amendment (Rept. 111–642). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce.
H.R. 2989. A bill to amend the Public Health Service Act to ensure the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson’s disease, and other neurological disorders; with an amendment (Rept. 111–638). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce.
H.R. 2818. A bill to amend the Public Health Service Act to provide for the establishment of a drug-free workplace information clearinghouse, to support residential methamphetamine treatment programs for pregnant and parenting women, to improve the prevention and treatment of methamphetamine addiction, and for other purposes; with an amendment (Rept. 111–641). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce.
H.R. 4562. A bill to authorize the establishment of the Marrow Failure Disease Registry, to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to provide for the establishment of a national program to provide grants to improve the care of patients with aplastic anemia, and for other purposes; with an amendment (Rept. 111–637). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce.
H.R. 1309. A bill to amend the Emergency Economic Stabilization Act of 2008 to prohibit any executive agency from proceeding with any action with respect to the Troubled Asset Relief Program, as amended, that would result in the transfer of property or the provision of financial assistance from the Troubled Asset Relief Program to any person other than the United States to the extent that such property or financial assistance was received by such person as a result of a program authorized by this Act.

Mr. WAXMAN: Committee on Energy and Commerce.
H.R. 758. A bill to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia; with an amendment (Rept. 111–640). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce.
H.R. 2408. A bill to expand the research activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention, and to address scleroderma, and for other purposes; with an amendment (Rept. 111–631). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce.
H.R. 5462. A bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program; with amendment (Rept. 111–642). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce.
H.R. 6081. A bill to amend the Stem Cell Therapeutic and Research Act of 2005; with an amendment (Rept. 111–643). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOTHENBERG of Tennessee: Committee on Science and Technology.
H.R. 6580. A bill to develop a rare earth materials program, to amend the National Materials and Minerals Policy, Research and Development Act of 1980, and for other purposes; with an amendment (Rept. 111–644). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure.
H.R. 305. A bill to amend title 49, United States Code, to prohibit the transportation of horses in interstate transportation in a motor vehicle containing 2 or more levels stacked on top of one another (Rept. 111–645). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce.
H.R. 1210. A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; with an amendment (Rept. 111–638). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce.
H.R. 1032. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve health care for veterans with post-traumatic stress disorder, and for other purposes; with an amendment (Rept. 111–636). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce.
H.R. 1347. A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; with an amendment (Rept. 111–638). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce.
H.R. 5462. A bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to provide for the establishment of a drug-free workplace information clearinghouse, to support residential methamphetamine treatment programs for pregnant and parenting women, to improve the prevention and treatment of methamphetamine addiction, and for other purposes; with an amendment (Rept. 111–641). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce.
H.R. 4562. A bill to authorize the establishment of the Marrow Failure Disease Registry, to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to provide for the establishment of a national program to provide grants to improve the care of patients with aplastic anemia, and for other purposes; with an amendment (Rept. 111–637). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CARDenas (for himself, Mr. LARSON of Connecticut, Mr. DeLAURO, Mr. GEORGE MILLER of California, Ms. ESHOO, Mr. KAGEN, Mr. GARAMendi, Mr. WELCH, Ms. CAS- TRO, Mr. JACKSON of New York, Mr. BACA, Mr. HASTINGS of Florida, Mr. COSTA, Ms. WASSERMAN SCHULTz, Mr. McNERNEY, Ms. GIFFORDS, and Mr. SRUKH):
H.R. 6218. A bill to prevent foreclosure of home mortgages and provide for the afford-
ability of establishing a program; to the Committee on Financial Services.

By Mr. FRAnc of Massachusetts:
H.R. 6216. A bill to amend the Small Business Jobs Act of 2010 to enhance the provi-
sions of the Small Business Lending Fund Program, to amend the Small Business In-
vestment Act of 1958 to create a Small Busi-
ness Early-Stage Investment Program, and to create the Small Business Borrower As-
sistance Program; to the Committee on Fi-
nancial Services.

By Ms. PINGREE of Maine:
H.R. 6223. A bill to amend title 38, United States Code, to ensure that the Secretary of Veterans Affairs provides veterans with information concerning service-connected disabili-
ities at health care facilities; to the Committee on Veterans’ Affairs.

By Mr. YOUNG of Alaska:
H.R. 6221. A bill to authorize the Secretary of the Interior to issue permits for a microhydro project in wilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from the State of Alaska, and for other purposes; to the Committee on Natural Resources.

By Mr. McGOVERN:
H.R. 6222. A bill to establish the National Competency for Community Renewal to en-
courage communities to adopt innovative strategies and design principles to programs related to poverty prevention, recovery and development; to the Committee on Ways and Means, and in addition to the Committees on Education and Labor, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provi-
sions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:
H.R. 6223. A bill to establish a Congress-
sional Office of Regulatory Analysis, to re-
quire the periodic review and automatic ter-
mination of Federal regulations, and for other purposes; to the Committee on the Jud-
ciciary, and in addition to the Committee on Financial Services, for a period to be sub-
sequently determined by the Speaker, in each case for consideration of such provi-
sions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself and Mr. PALLONE):
H.R. 6224. A bill to modernize cancer re-
search, increase access to preventative can-
cer services, provide cancer treatment and survivorship initiatives, and for other pur-
poses; to the Committee on Energy and Com-
merce, and in addition to the Committee on Financial Services, for a period to be sub-
sequently determined by the Speaker, in each case for consideration of such provi-
sions as fall within the jurisdiction of the committee concerned.

By Mr. PAULSEN:
H.R. 6225. A bill to amend the Emergency Economic Stabilization Act of 2008 to termi-
nate authority under the Troubled Asset Rel-
ief Program; to the Committee on Financial Services.

By Mr. FOSTER:
H.R. 6226. A bill to amend the Small Busi-
ness Act to permit agencies to count certain con-
tact with and contracting goals; to the Com-
mittee on Small Business.

By Mr. BLIRAKIS (for himself and Mr. MILLER of Florida):
H.R. 6227. A bill to establish a temporary prohibi-
tion on termination of coverage under the TRICARE program for age of dependents
under the age of 26 years; to the Committee on Armed Services.

By Mr. BURGESS:
H.R. 6228. A bill to repeal certain amendments to the Cuban Liberty and Democratic Solidarity Act relating to the expansion of the renewable fuel program, and for other purposes; to the Committee on Energy and Commerce.

By Ms. GIFFORDS (for herself, Mr. LOBSECK, and Ms. SHEA-POTTER):
H.R. 6229. A bill to strengthen student achievement rates and prepare young people for college, careers, and citizenship through innovative partnerships that meet the comprehensive needs of children from birth to age 21; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DRIEHAUS:
H.R. 6230. A bill to amend title 37, United States Code, to exclude bonus payments made by a State or political subdivision thereof to a member of the Armed Forces, including an aeronautic officer, member, on account of the service of the member in the Armed Forces from consideration in determining the eligibility of the member (or the member’s spouse or family) for benefits or assistance, under any Federal program or under any State or local program financing health care facilities and examination rooms for health care facilities and examination rooms for individuals with disabilities, including those with Spina Bifida, and raising awareness of the need for increasing access to health care for individuals with disabilities, including those with Spina Bifida, and raising awareness of the need for increasing access to health care for individuals with disabilities; to the Committee on Armed Services.

By Ms. GIFFORDS (for herself and Mr. MANZULLI):
H.R. 6231. A bill to amend the Export Enhancement Act of 1988 to further enhance the promotion of exports of United States goods and services, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. RANGEL, Mr. JACKSON of Florida, Ms. NORTON, Ms. FUDGE, Ms. CORRINE Brown of Florida, and Ms. CLARKE):
H.R. 6232. A bill to establish a scholarship program in the Department of State for Haitian students whose studies were interrupted as a result of the January 12, 2010, earthquake, and for other purposes; to the Committee on Foreign Affairs.

By Ms. HERSETH SANDLIN (for herself, Mr. KILDEE, Mr. COLE, and Mr. YOUNG of Alaska):
H.R. 6233. A bill to establish a National American entrepreneurial development program in the Small Business Administration; to the Committee on Small Business.

By Ms. HERSETH SANDLIN (for herself and Mr. HINCHLEY):
H.R. 6234. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for long-term care insurance premiums, a credit for individuals who care for those with long-term care needs, and for other purposes; to the Committee on Ways and Means.

By Mr. McMACHON (for himself, Mr. HOYER, Mr. CUMMINGS, Mr. HALL of Nevada, Mr. PERRY J. MURPHY of Pennsylvania, Mrs. MALONEY, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. PALOMAYVARA, and Mr. PIERLUISI):
H.R. 6235. A bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously endangered in the line of duty; to the Committee on the Judiciary.

By Mr. SCHIFF:
H.R. 6236. A bill to require Federal agencies, and the States, in any event of a natural disaster or emergency, in possession of data containing sensitive personally identifiable information, to disclose any breach of such information; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, Financial Services, and in addition to the Committees on Energy and Commerce.

By Mr. THOMPSON of California (for himself, Mr. BACA, Mr. BEERER, Mr. BERNAL, Mr. BOND, Mr. MACK, Mr. CALVERT, Mr. CAMPBELL, Mrs. CAPPS, Mr. CARDOZA, Ms. CHU, Mr. COSTA, Mrs. DAVIS of California, Mr. FLORES, Ms. ESKOOG, Mr. PARK, Mr. FILNER, Mr. GALLEGLY, Mr. GARAMENDI, Ms. HARMAN, Mr. HERRERA, Mr. HONDA, Mr. HUNTER, Mr. TSAI, Ms. ZOE LOFGREN of California, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. DANIEL LUNGREN of California, Mr. MCKEE of California, Ms. MELSON, Ms. MILLER of California, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Mr. ROYCE, Mrs. LINDA SANCHEZ of California, Ms. LORETTA Sanchez of California, Mr. SCHIFF, Mr. SHERMAN, Mr. SPIERER, Mr. STARK, Ms. WATERS, Mr. WATSON, Mr. WOOLSEY, Ms. NUNES, and Ms. PELosi):
H.R. 6237. A bill to designate the facility of the United States Postal Service located at 1501 2nd Street in Napa, California, as the "Tomm Kongsrud Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. TONKO:
H.R. 6238. A bill to direct the Secretary of Veterans Affairs to establish a registry of centralized veterans located at Fort McClellan, Alabama, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, and for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas:
H.Con. Res. 329. Concurrent resolution recognizing the centennial of the White House Fellows program; to the Committee on Oversight and Government Reform.

By Mr. DUNBAR (for himself, Mr. OLSON, Mrs. McDERMIS Rodgers, and Mr. Baird):
H.Res. 1659. A resolution expressing support for the goals and ideals of the inaugural USA Science & Engineering Festival in Washington, D.C., and for other purposes; to the Committee on Science and Technology, considered and agreed to, considered and agreed to.

By Mr. PITTS (for himself, Mr. SALAZAR, Mr. TONKO, Mr. GOODLATTE, Mr. BOBBY W. RUSH, Mr. ROSE-LEHTINEN, Mr. LARSEN of Washington, Mr. MORDAN of Ohio, Mr. WOLF, Mr. WHITFIELD, Ms. GIFFORDS, Mr. WILSON of South Carolina, Mr. THOMPSON of Pennsylvania, Mr. POSEY, Mr. WALDEN, Mr. LEWIS of California, Ms. MYRICK, Mr. DUNCAN, Mr. FPRS, Mr. BILIRAKIS, Mr. LAMBOEN, Mr. DICKS, Mr. INGLES, Mr. SHUSTER, Mr. BARTLETT, Mr. TIM MURPHY of Pennsylvania, Mr. GERAGHTY of South Carolina, Mr. BAGGS, Mr. GARAMENDI, Mr. MANZULLO, Mr. MCCaul, Mr. ROYCE, Mr. MACK, Mr. POE of Texas, Mr. BOOZMAN, and Mr. NGUYEN):
H.Res. 1660. A resolution honoring the lives of the brave and selfless humanitarian aid workers, doctors, and nurses who died in the tragic attack of August 5, 2010, in northern Afghanistan; to the Committee on Foreign Affairs, considered and agreed to, considered and agreed to.

By Mr. MACK (for himself, Mr. ENGEL, Mr. BURTON of Indiana, Mr. BILARAKIS, Mr. PAYNE, Mr. JACOB LEE of Texas, Mr. PALOMAYVARA, Mr. BERMAN, Ms. ROS-LEHTINEN, and Mr. SMITH of New Jersey):
H.RES. 1661. A resolution expressing support for the 33 trapped Chilean miners following the Copiapo mining disaster and the Government of Chile as it works to rescue the miners and reunite them with their families; to the Committee on Foreign Affairs, considered and agreed to, considered and agreed to.

By Ms. FUDGE (for herself and Mr. DAVIS of Illinois):
H.Res. 1663. A resolution supporting the goals and ideals of Sickle Cell Disease Awareness Month; to the Committee on Education and Labor, considered and agreed to, considered and agreed to.

By Mr. SMITH of New Jersey (for himself, Mr. SPRAT of South Carolina, and Mr. GRIJALVA):
H.Res. 1664. A resolution supporting the goals and ideals of Spina Bifida Awareness Month, recognizing the need of increasing access to health care for individuals with disabilities, including those with Spina Bifida, and raising awareness of the need for health care facilities and examination rooms to be accessible for individuals with disabilities; to the Committee on Energy and Commerce.

By Mr. OBERSTAR:
H.Res. 1665. A resolution providing for the concurrence by the House in the Senate amendment to H.R. 3619, with amendments; considered and agreed to, considered and agreed to.

By Mr. BOSWELL (for himself, Mr. LOBSECK, Mr. GRAVES of Missouri, and Mr. TERRY):
H.Res. 1666. A resolution expressing support for designation of October 2010 as "Crime Prevention Month"; to the Committee on the Judiciary.

By Mrs. CAPPS (for herself, Mr. LEITNER, and Mr. TOWNS):
H.Res. 1667. A resolution congratulating the National Institute of Nursing Research on the occasion of its 25th anniversary; to the Committee on Energy and Commerce.

By Mr. CARDOZA (for himself, Mr. LEIGHTON, Mr. SMITH, Mr. LSAMU, Mr. GALE, Mr. MINER, Mr. ROY, Mr. BURTON of Pennsylvania, Mrs. BONALI, Mr. STENBERG, Mr. SALKIN of Texas, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. CROWLEY, Mr. COURTNEY, Mr. HARE, Ms. SHEA-POTTER, Mr. FILNIK, Mr. HINCHLEY, Mr. CONVYRE, Mr. RALHALL, Mr. FUDGE, Mr. PARK, Mr. RANGEL, Mr. CRITZ, Mr. DURCH, Mr. BOREN, Mr. CARSON of Indiana, Mr. KILDREE, Mr. HEINRICH, Mr. MAFERS, Mrs. HARDISON, Mrs. PULASKI of Maine, Mr. ARCURY, Mr. KILROY, Mr. WILSON of Ohio, Mr. COSTELLO, Mr. KISSELL, Mr. SCHRAUER, Mr. DELAURO, Mr. LANGKEVIN, Mr. SCHNEIDER, Mr. NADLER of New York, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. PETERS, Mr. HRES.
OLIVER, Mr. FOSTER, Mr. FRANK of Massachusetts, Mr. LEWIS of Georgia, Mr. OBERSTAR, Mr. Wu, Mr. STARK, Ms. KAPTUR, Mr. ROTHMAN of New Jersey, Mr. ROY of Ohio, Ms. SANCHEZ of California, Mr. MITCHELL, Ms. CORinne BROWN of Florida, Mr. BRADY of Pennsylvania, Mr. JORDAN of Delaware, Mr. HOBSON of Ohio, Mr. LEKE of California, Ms. SUTTON, and Mr. CUMMINGS):

H. Res. 1670. A resolution expressing the sense of the House of Representatives with respect to legislation raising to 65 the retirement age under title II of the Social Security Act; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself, Mr. DICKS, Ms. ISLELY, Mr. BIERD, and Mr. LARSEN of Washington):

H. Res. 1671. A resolution congratulating the Seattle Storm for their remarkable season and winning the 2010 Women's National Basketball Association Championship; to the Committee on Oversight and Government Reform.

By Mr. MICHAUD (for himself, Mr. ALexander, Mr. BAILEY, Mr. BILIrsky of California, Mr. BOHNER of Ohio, Mr. BOSWELL of Virginia, Mr. CRITZ, Mr. DELAHUNT, Mr. FILNER, Ms. GIFFORDS, Mr. GLENN GREEN of Texas, Mr. HENRY of Georgia, Mr. HISTON, Mr. KINGSTON, Mr. KISSELL, Mr. KRATOvIL, Mr. LIPINSKI, Mr. MEEKS of New York, Mr. MITCHELL, Mr. MURPHY of New York, Mr. NUNES, Ms. PNg- gREER of Maine, Mr. POR of Texas, Mr. ROGERS of Alabama, Mr. Ross, Mr. RYAN of Ohio, Mr. SAHLEN, Mr. SCOTT of North Carolina, Mr. SILVER of New York, Mr. SMITH of Texas, Mr. SPRATT, Ms. SUTTON, Mr. TANNER, Mr. TAYLOR, Mr. TEAGUE, Mr. THORNBERY, Mr. MILLS of Arkansas, Mr. WITTMAN of Virginia, Mr. WOOLSEY, Ms. H. Res. 1672. A resolution commemorating the Persian Gulf War and reaffirming the commitment of the United States towards Persian Gulf War veterans; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H. Res. 1673. A resolution recognizing 75 Texas World War II veterans visiting Washington, D.C., on September 27, 2010, to visit the memorial built in their honor; to the Committee on Veterans' Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

386. The SPEAKER presented a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 317 supporting the unification of Northern Ireland with the Republic of Ireland; to the Committee on Foreign Affairs.

387. Also, a memorial of the Council of the State of Delaware, relative to Resolution 18-541 to declare the sense of the Council that the United States Congress must not adopt legislation restricting the District government's ability to legislate the regulation of firearms; to the Committee on Oversight and Government Reform.

388. Also, a memorial of the Council of the District of Columbia, relative to Resolution 18-537 to approve the proposed transfer of jurisdiction over a portion of U.S. Res-