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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

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House of Representatives

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. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

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 ability 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 culture 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 use 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 Fiscalia—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 Fiscalia 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

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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 members, and public revulsion at gang crimes is at an all-time high. President Funes is seeking to respond decisively to this terrible 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 Formation and Orientation at St. Francis of Assisi Parish in Mejicanos. It has had success working with young people on rejecting gang life and providing those who want to leave the gangs with advice, 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 first 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 claims about 12 victims a day.

On Thursday, he signed a controversial law criminalizing gang membership. The gangs responded by shutting down nationwide public transportation with the threat of violence.

During a visit to Los Angeles this week to meet with community leaders on immigration issues, Funes spoke with Times editors about the growing links between Salvadoran gangs and international drug cartels, and he argued that boosting U.S.-led economic investment holds the most hope for defeating drug violence and illegal immigration.

WHO CONTROLS THE NARCOTICS TRAFFIC IN EL SALVADOR?

Everybody. There are Salvadoran cartels in connection with Colombian cartels. Guatemalan cartels are there. And recently we have found evidence of the presence of [the Mexican-based drug cartel] Los Zetas.

Just a few days after I came to office, I received an intelligence report saying that Los Zetas were exploring the territory and that they had started to make contacts with Salvadoran narcotraffickers and Salvadoran gangs, particularly the MS [Mara Salvatrucha, a transnational gang born in L.A.'s Salvadoran immigrant community]. It is the one that has shown, up to now, to have the most firepower.

The change that has occurred lately is that the [criminal] gangs have become involved in the business. At the beginning, the gangs were just a group of rebel youngsters. As time moved on, the gangs became killers for hire. Now the situation is that the gangs have become part of the whole thing. They control territory and they are disputing territory with the drug traffickers. Why? Because they need to finance their way of life: basically, getting arms.

HAVE STATE INSTITUTIONS BEEN INFILTRATED?

I am convinced that the army is not infiltrated by the cartels. The grenades and the arms that these people have, they have not gotten them through the army. That does not mean that there are not other institutions that are infiltrated. Since my government started, we have dismissed more than 150 police officers, out of a total of slightly more than 20,000, because of suspicions they were involved with organized crime. I have my suspicions that the judicial system is also infiltrated by organized crime.

Yes, organized crime has penetrated certain institutions, but these institutions have not collapsed. We are talking about rotten apples, and we still have the opportunity and the time to get rid of them.

HOW DO YOU EXPLAIN THAT CIVILIAN INSTITUTIONS REMAIN STRONGER IN EL SALVADOR THAN IN GUATEMALA OR MEXICO?

The 1992 peace accords [which ended the civil war] allowed for a sort of re-foundation of the Salvadoran state. Through that process, it was possible to cleanse 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 ON 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 U.S. 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 will bring development and job opportunities and social benefits to El Salvador.

AFGHANISTAN-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 to the administration 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—the views of an 'American mother with children glad to serve our 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 about our aim in Afghanistan ever existed 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 honors 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.''

I close with a line from my constituent. She said, ''The casualties suffered aren't just numbers to me. Each name, each face, represents a family who is paying the ultimate price—the loss of a son or a 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 hope the President and his advisers will heed the eloquent words of this military mother who has six children serving and another child is married to a marine. And many have served in both Afghanistan and Iraq.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
August 4, 2010.

Hon. BARACK H. OBAMA,
The President,
Washington, DC.

DEAR MR, PRESIDENT: On September 14, 2001, following the catastrophic and deliberate terrorist attack on our country, I voted to go to war in Afghanistan. I stand by

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 more than 100,000 American troops sacrificing toward that end. In fact, it is this commitment which has led me to write to you. While I have been a consistent supporter of the war effort in both Afghanistan and Iraq, I believe that with this support comes a responsibility. This was true during a Republican administration in the midst of the wars, and it remains true today.

In 2005, I returned from my third trip to Iraq where I saw firsthand the deteriorating security situation. I was deeply concerned that Congress was failing to exercise the necessary oversight of the war effort. Against this backdrop I authored the legislation that created the Iraq Study Group (ISG). The ISG was a 10-member bipartisan group of well-respected, nationally known figures who were brought together with the help of four reputable organizations—the U.S. Institute for Peace, the Center for the Study of the Presidency, the Center for Strategic and International Studies, and the Baker Institute for Public Policy at Rice University—and charged with undertaking a comprehensive review of U.S. efforts there. This panel was intended to serve as ''fresh eyes on the target''—the target being success in Iraq.

While reticent at first, to their credit President Bush, State Secretary Rice and Defense Secretary Rumsfeld came to support the ISG, ably led by bipartisan co-chairs, former Secretary of State James Baker and former Congressman Lee Hamilton. Two members of your national security team, Secretary of Defense Robert Gates and CIA Director Leon Panetta, saw the merit of the ISG and, in fact, served on the panel. Vice President Biden, too, then serving in the Senate, was supportive and saw it as a means to unite the Congress at a critical time. A number of the ISG's recommendations and ideas were adopted. Retired General Jack Keane, senior military adviser to the ISG, was a lead proponent of ''the surge,'' and the ISG referenced the possibility on page 73. Aside from the specific policy recommendations of the panel, the ISG helped force a moment of truth in our national conversation about the war effort.

I believe our nation is again facing such a moment in the Afghanistan war effort, and that a similar model is needed. In recent days I have spoken with a number of knowledgeable individuals including former senior diplomats, public policy experts and retired and active military. Many believe our Afghanistan policy is adrift, and all agreed that there is an urgent need for what I call an Afghanistan-Pakistan Study Group (APSG). We must examine our efforts in the region holistically, given Pakistan's strategic significance to our efforts in Afghanistan and the Taliban's presence in that country as well, especially in the border areas.

This likely will not come as a surprise to you as commander in chief. You are well acquainted with the sobering statistics of the past several weeks—notably that July surpassed June as the deadliest month for U.S. troops. There is a palpable shift in the nation's mood and in the halls of Congress. A July 2010 CBS news poll found that 62 percent of Americans say the war is going badly in Afghanistan, up from 49 percent in May. Further, last week, 102 Democrats voted against the war spending bill, which is 70 more than last year; and they were joined by 12 members of my own party. Senator Lindsay Graham, speaking last Sunday on CNN's ''State of the Union,'' candidly expressed concern about an ''unholy alliance'' emerging of anti-war Democrats and Republicans.

I have heard it said that Vietnam was not lost in Saigon; rather, it was lost in Washington. While the Vietnam and Afghanistan parallels are imperfect at best, the shadow of history looms large. Eroding political will has consequences—and in the case of Afghanistan, the stakes could not be higher. A year ago, speaking before the Veterans of Foreign War National Convention, you rightly said, ''Those who attacked America on 9/11 are plotting to do so again. If left unchecked, the Taliban insurgency will mean an even larger safe haven from which al Qaeda would plot to kill more Americans. So this is not only a war worth fighting . . . this is fundamental to the defense of our people.'' Indeed it is fundamental. We must soberly consider the implications of failure in Afghanistan. Those that we know for certain are chilling—namely an emboldened al-Qaeda, a reconstituted Taliban with an open staging ground for future worldwide attacks, and a destabilized, nuclear-armed Pakistan.

Given these realities and wavering public and political support, I urge you to act immediately, through executive order, to convene an Afghanistan-Pakistan Study Group modeled after the Iraq Study Group. The participation of nationally known and respected individuals is of paramount importance. Among the names that surfaced in my discussions with others, all of whom more than meet the criteria described above, are ISG co-chairs Baker and Hamilton; former Senators Chuck Robb, Bob Kerrey and Sam Nunn; former Congressman Duncan Hunter; former U.S. ambassador Ryan. Crocker; former Secretary of Defense James Schlesinger, and General Keane. These names are simply suggestions among a cadre of capable men and women, as evidenced by the makeup of the ISG, who would be more than up to the task.

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 running war and the American 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 attaining that goal. Further, 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 will embrace this ''fresh eyes'' approach. 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 Americans around the country will once again pause and remember that horrific morning nine years ago when passenger airlines became weapons, when the skyline of one of America's greatest cities 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 to wait. As such, I am hopeful you will use an executive order and the power of the bully pulpit to convene this group in short order, and explain to the American people why it is both necessary and timely. 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, there are actions that can be taken 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 times opposing viewpoints. Historians assert this served to develop his thinking on complex matters. Similarly, while total agreement may not emerge from a study group for Afghanistan and Pakistan, I believe that vigorous, thoughtful and principled 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, other than perhaps the recent increase in the number of casualties. Even gathering information of what is daily happening in Afghanistan hasn't been easy. I comb the internet daily searching many different online 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. Often it is the local papers in towns with 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 have a flurry of articles while the reporter is there but then nothing once they return.

The War on Terror is not just impersonal news but it is a war that strikes very close to home. My father has a dear friend whose son-in-law died in the Twin Towers. I have a friend who lost a son in Iraq during the battle for Fallujah. A student of mine lost her fiancee in the war. My children and son-in-law have served in both Iraq and Afghanistan and have buddies injured or killed in action.

One of my daughters is currently serving in Afghanistan in a Combat Support Hospital. She arrived in time to experience first hand the peak number of casualties in June and July. In a recent news interview her Commanding Officer said they are seeing an almost constant stream of casualties; something that none of them were prepared for, but will remember the horrors of the rest of their lives.

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 aren't just numbers to me; each name, each face, represents a family who is paying the ultimate price, the loss 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 have 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 tax some 40 years ago that now threatens 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 expending side of the equation, which is widely acknowledged. Our defense budget can be reduced and redirected. 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 over volume. 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 past an election but that don't solve a problem, to work on areas of agreement with the public which 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.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUELLAR) 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 looked 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 1, 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 as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

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. 3847. 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. Excelling 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,
Washington, DC, September 24, 2010.

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. 3839.

That the Senate passed S. 3196.

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

Appointments: (3).

State and Local Law Enforcement Congressional Badge of Bravery Board.

Federal Law Enforcement Congressional Badge of Bravery Board.

Public Safety Officer Medal of Valor Review Board.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

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,
Washington, DC, September 28, 2010.

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 28, 2010 at 10:00 a.m.:

That the Senate passed with an amendment H.R. 553.

That the Senate passed without amendment H.R. 3553.

That the Senate passed without amendment H.R. 3808.

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

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

That the Senate passed with amendments H.R. 2092.

That the Senate concur in House amendment to the text of the bill with an amendment; Senate agrees to the 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. 2868.

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,

LORRAINE C. MILLER.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, 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. 3717, 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. 3814, to extend 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 save lives.

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—forms 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 is now the law, 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.

□ 1210

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, 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 on 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 now 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 there are 18 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 technician, 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; and

(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 North Carolina (Mr. JONES) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

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 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 servicemen and -women.

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 few 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 Air Force 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 the horizon, you might now just sigh 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 resolution.

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 critical transportation to the next level of medical care. We owe our utmost gratitude to all of the dedicated individuals who have a part in this lifesaving 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 professionalism 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 Fort Hood, 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 former soldier;

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 nearby Army personnel selflessly evacuated wounded individuals to safety 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, military service organizations, 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.

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. CARTER) 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 returned from 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 attack. In addition to these 13 unfortunate Americans who were murdered that day, 31 more were wounded. Many of them were seriously wounded, but a quick response from Army medics saved lives and mitigated the severity of some of the injuries. Soldiers and civilians rushed to remove those in need of medical attention from the building, even while the threat of the gunman was still present. At the same time, law enforcement personnel worked to eliminate the danger to Fort Hood and to the surrounding community.

I would like to convey my deepest sympathies to the families and friends of those killed and injured in the Fort Hood shootings and express gratitude to the soldiers, Army civilians, and local residents who assisted in the rescue and recuperation of the victims, especially as the anniversary of this event draws closer.

□ 1220

I urge my colleagues to recognize the soldiers and civilians killed and wounded by voting in favor of House Concurrent Resolution 319.

LIST OF SOLDIERS AND THE FORMER SOLDIER WHO LOST THEIR LIVES AT FORD HOOD

Lieutenant Colonel Juanita Warman.
Major Libardo Caraveo.
Captain John Gaffaney.
Captain Russell Seager.
Staff Sergeant Justin Decrow.
Sergeant Amy Krueger.
Specialist Jason Hunt.
Specialist Frederick Greene.
Private First Class Aaron Nemelka.
Private First Class Michael Pearson.
Private First Class Kham Xiong.
Private Francheska Velez.
Michael Cahill.

I reserve the balance of my time.

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

Mr. Speaker, on November 5, 2009, 13 people were killed and 31 wounded at Ft. Hood, Texas, when a gunman attacked unarmed military civilian personnel who were preparing for deployment or who recently returned to the United States from deployments. This was an attack that devastated the people there and across this Nation. It was a senseless act of horror that betrayed our respect and dignity for human life.

I want to thank my colleague, Representative JOHN CARTER of Texas, for introducing this legislation to give all Members the opportunity today to once again stand in support of the men and women at Ft. Hood and their families who suffered in that time of trial.

This resolution also honors those military and civilian law enforcement officers who acted swiftly and courageously to neutralize the threat, as well as the medical personnel who immediately began treating the wounded, thereby reducing the loss of life.

While we wait for the justice system to decide the fate of the gunman, it is

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 our Nation.

It is a tragedy beyond words 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 worn our Nation'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 isn't just an idea; 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.

Ft. Hood is known 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 decades to come.

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 servicemen and -women and their families are willing to sacrifice so much in service to country. Let us all rededicate 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. Thirteen 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 between 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.

At the time there was a graduation ceremony going on at Ft. Hood from college, and a bunch of young soldiers were graduating from college right next door. When the call went out for medics, multiple members of that group threw off their cap and gown before they graduated and took off next door to the processing center to work with the wounded. Without regard to their own safety, civilian and military law enforcement personnel, including Sergeants Munley and Todd, acted swiftly and courageously to neutralize the threat, using the active shooter training program they had recently completed.

□ 1230

Army medics immediately reverted to their combat-honed training and began treating the wounded, greatly reducing the loss of more life. Fellow soldiers from everywhere descended upon this area and, while the shooting was going on, risked their lives to evacuate their brethren safely to Darnall Army Hospital.

Fort Hood regional communities, the State of Texas, military service organizations, and countless Americans united in support of Fort Hood victims and their families, collecting millions of dollars in charitable donations. My office has worked hard to ensure that the Fort Hood victims receive all the benefits to which they are entitled as combat victims. Additionally, we are working with the Department of Defense to overcome regulatory obstacles that have prevented the victims and their families from receiving charitable donations. I am hopeful our Senate colleagues will agree to these legislative adjustments included in this year's defense authorization bill to ensure that Fort Hood victims and their families receive every benefit to which they are rightly entitled.

I want to thank the House Armed Services Committee and the House leadership for working with my office to swiftly bring this resolution to the floor.

I ask my colleagues to join me in honoring the Fort Hood victims and their families by passing this House Concurrent Resolution 319.

Mr. Speaker, I intentionally did not discuss the accused shooter in an effort to protect his right to a fair and impartial trial when that trial occurs.

Mr. PETRI. Mr. Speaker, as the House considers H. Con. Res. 319 recognizing the anniversary of the shootings at Fort Hood last November, I would like to pay tribute to all of the 43 shooting casualties and recognize two of my constituents.

Staff Sergeant Amy Krueger of Kiel, Wisconsin, was one of those who lost their lives that day. Following the 9/11 terrorists attacks, she was moved to join the Army because she wanted to help keep America safe. She was proud of her military service and returned to Kiel High School to share her experiences with current students. Staff Sergeant Krueger had been to Afghanistan previously and, like others in the Soldier Readiness Processing

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 question is on the motion offered by the gentleman from Pennsylvania (Mr. CRITZ) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 319.

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

A 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 nation's 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 (''POW'') or went missing in action (''MIA'') during their wartime service;

Whereas more than 138,000 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 these 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 MIAs should not be forgotten;

Whereas Congress first passed a resolution commemorating ''National POW/MIA Recognition Day'' in 1979;

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 POW/MIA 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 and the nation 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 personnel of the Defense POW/Missing Personnel Office, the Joint POW/MIA Accounting Command, the Armed Forces Identification Laboratory, the Life Sciences Equipment Laboratory, and the military departments 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.

GENERAL LEAVE

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

I rise today in support of House Resolution 1630, expressing support for National Prisoner of War/Missing in Action Recognition Day. I would like to thank the gentleman from Illinois (Mr. LIPINSKI) for sponsoring this resolution.

Mr. Speaker, on September 17, a very important and symbolic flag flew over the United States Capitol, one that represents both the deepest and rawest wounds of war as well as uncommon valor and the most selfless of sacrifices. This is the POW/MIA flag. Etched in black and white on this flag is a silhouette of a young man whose face cannot be seen. This is the face of every soldier, sailor, airman, and marine who has endured imprisonment and the harshest of conditions as a prisoner at the hands of the enemy, and of every brave soul who did not return home from battle but remains unaccounted for in a distant land.

As a Nation, it is our sacred duty to ensure that these missing soldiers are not forgotten and to work tirelessly until every story ends and all are accounted for. By recovering our missing soldiers, we also recover a missing piece of our national heritage and honor, those who fought to preserve it. Honoring American POWs and MIAs is a reminder to look back on our proud history, a tapestry woven of thousands of individual stories and sacrifices and of lives dedicated to the preservation of the freedom we hold so dear. This is the embodiment of our country's solemn promise to the prisoners of war and missing in action of our Armed Forces. We will never stop searching for you, and you are not forgotten.

I urge my colleagues to recognize and commend the service of the thousands of former prisoners of war and servicemembers missing in action by voting in favor of House Resolution 1630.

I reserve the balance of my time.

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

Mr. Speaker, I rise in support of House Resolution 1630 to express support for National Prisoner of War/Missing in Action Recognition Day.

I would like to commend the gentleman from Illinois (Mr. LIPINSKI) for introducing this resolution. At the heart of this resolution is the principle that the American military never leaves a fallen comrade behind. More than 84,000 members of the Armed Forces remain unaccounted for from World War II, the Korean war, Vietnam, the cold war, and the gulf war, and U.S. military personnel have been held in Afghanistan and Iraq.

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 involved in the 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 missing 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 effort 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 owes a greater debt to the 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 or interned 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 84,000 missing in action soldiers, sailors, 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.

□ 1240

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 commemorating National POW/MIA Recognition Day in 1979. 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 today's troops 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 undertaken countless missions throughout the world to bring home the remains of fallen servicemembers, 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. servicemen who are currently listed as held captive 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 SKELTON for his help in moving that resolution.

I want to thank Mr. CRITZ for his work on this issue and other issues in serving our veterans, and also 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.

Mr. 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-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.

CONDEMNING 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 providing for a land swap 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 gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

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. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Mr. Speaker, House Resolution 1378 was introduced in May by Representative LEWIS of California. The resolution condemns the theft of a cross from the Sunrise Rock in the Mojave National Preserve. This cross was first placed on Federal land in 1934 as a memorial to American soldiers who died in the First World War. Legal proceedings regarding constitutional issues raised by the cross are ongoing.

However, the theft of the cross is inexcusable. We support this measure's condemnation of that theft and urge all Federal law enforcement officials to continue their efforts to recover the cross and bring those responsible for the theft to justice.

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

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

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. CHRISTENSEN) that the House suspend the rules and agree to the resolution, H. Res. 1378.

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.

CELEBRATING 75TH ANNIVERSARY OF HOOVER DAM

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

Whereas the construction of the dam created Lake Mead, a reservoir that can store two years average flow of the Colorado River providing vitally critical flood control, water supply, and electrical power to help create and support the economic growth and development of the Southwestern United States;

Whereas the Hoover Dam has prevented an estimated $50,000,000,000 in flood damages in the Lower Colorado River Basin, provides water for more than 18,000,000 people, for 1,000,000 acres of farmland in Arizona, California, and Nevada, and for 500,000 acres in Mexico, and produces on average 4,000,000,000 kilowatt-hours of hydroelectric power each year;

Whereas the Hoover Dam, an engineering marvel at 726.4 feet from bedrock to crest, was the highest dam in the world at construction;

Whereas the Hoover Dam is an enduring symbol of the country's ingenuity and persistence 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 seven 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 gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

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. Is there objection to the request of the gentlewoman 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 farm land in the States of Arizona, California, Nevada and 500,000 acres in Mexico. That beautiful natural resource that sparkles adds 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 2819, and H.R. 4349, the Hoover Power Allocation Act of 2010. This legislation would allocate hydropower generated at Hoover Dam, estimated at

4 billion kilowatt hours of hydroelectric power each year, for the next 50 years. I would want to reiterate our support for the enactment of this important legislation.

Mr. Speaker, I ask my colleagues to support the passage of this bipartisan resolution. Hoover Dam is truly a marvel of engineering, of technology and human endeavor. And tomorrow this reenactment of its 75-year dedication will take place in Las Vegas.

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

□ 1250

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. NAPOLITANO. Mr. Speaker, very, very swiftly and quickly, before I yield back the balance of my time, I thank my staff and the minority staff on this beautiful resolution that is going to commemorate some magnificent achievements by the United States to really promote what we now know as the Southwest.

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. NAPOLITANO) that the House suspend the rules and agree to the resolution, H. Res. 1636.

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.

VIRGIN ISLANDS NATIONAL PARK LAND LEASE

Mrs. CHRISTENSEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 714) to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

On page 2, line 12 before the period insert: ''as amended, assigned, and assumed''.

On page 2, line 21 after ''lease'' insert: ''with the owner of the retained use estate''.

On page 3, line 19, strike ''with'' and insert: ''without''.

On page 4, line 5, strike ''and'' and insert: ''(E) include provisions to ensure the protection of the natural, cultural, and historic features of the resort and associated property, consistent with the laws and policies applicable to property managed by the National Park Service; and''.

On page 4, line 6, strike ''(E)'' and insert: ''(F)''.

On page 5, line 3, strike ''effective date'' and insert: ''award''.

On page 5, line 24, strike ''that'' and insert: ''who''.

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

The Chair recognizes the gentlewoman from the Virgin Islands.

GENERAL LEAVE

Mrs. CHRISTENSEN. 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.

Mrs. 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, Forest 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 partnership, 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, and we have no objections at all to this legislation.

I yield back the balance of my time.

Mrs. CHRISTENSEN. 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 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.

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

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5360) 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:

H.R. 5360

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 required 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; 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 subsistence allowance.
Sec. 17. Increase in amount of subsistence allowance payable to veterans participating in vocational rehabilitation program.
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. 25. Compliance with Statutory Pay-As-You-Go Act of 2010.

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 subparagraph, 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 shall be treated as having a central visual acuity of 20/200 or less).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to specially adapted housing assistance provided 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 realty. 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—

''(I) 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 realty is located; and

''(ii) the Secretary determines will not prejudice the interests of the veteran borrower and of the Government by the operation of such a covenant.

''(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 recordation of the covenant.''.

(b) EXTENSION OF AUTHORITY TO POOL LOANS.—Paragraph (2) of section 3720(h) is amended by striking ''2011'' and inserting ''2016''.

SEC. 5. REAUTHORIZATION AND IMPROVEMENT OF DEPARTMENT OF VETERANS AFFAIRS SMALL BUSINESS LOAN PROGRAM.

(a) REAUTHORIZATION.—

(1) IN GENERAL.—Chapter 37 is amended by striking section 3751.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 3751.

(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 or''.

(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 guaranties, or (B) direct loans'' and inserting ''loan guaranties''; and

(ii) in paragraph (3)(A), 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 (3), 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);

(ii) by striking ''(1) Except as provided in paragraph (2) of this subsection, the'' and inserting ''The''; and

(iii) by striking ''make or''; and

(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'';

(ii) by striking ''or suspend'' each place it appears;

(iii) by striking ''or suspension'' each place it appears

(iv) by striking ''or suspends'' each place it appears; and

(v) in paragraph (4), by striking ''or 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'' both places it appears; and

(5) in section 3750, by striking ''made or''.

(d) AUTHORITY TO ENTER INTO A CONTRACT.—Section 3742, as amended by subsection (c), is further amended by adding at the end the following new subsection:

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

(e) FUNDING.—Section 3742(b), as amended by subsection (c), is further amended by adding at the end the following new paragraph:

''(4) The Secretary may only guarantee a loan under this subchapter to the extent that a limitation commitment to guarantee loans for a fiscal year has been provided in advance in an appropriations Act.''.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 3749 is amended to read as follows:

''§ 3749. 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 veterans' small business concern obtaining a loan guaranteed under this subchapter.

''(2) No loan may be 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.

''(b) 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.''.

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

''(2) 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. 661a(5)(C)).

''(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. 661a); 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)).

''(4) The term 'obligation' means the loan or other debt obligation that is guaranteed under this subchapter.''.

SEC. 6. ASSISTANCE FOR FLIGHT TRAINING.

Subsection (e)(1) of section 3032 is amended by striking ''60 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 the enactment of this Act, the Secretary of Veterans Affairs shall apply—

(1) section 3032(c)(1) of title 38, 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'';

(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 3687(b)(2) of such title—

(A) by substituting ''$603'' for ''$574'';

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

(C) by substituting ''$299'' for ''$285''; and

(4) section 16131(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 EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

Paragraph (4) 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:

''(i) The distribution of information to members of the Armed Forces, veterans, and their dependents about the benefits and services under laws administered by the Secretary and other appropriate governmental and non-governmental programs.

''(ii) The provision of assistance in ascertaining the status of claims (including appeals) for benefits under laws administered by the Secretary, as well as other constituent services for veterans as the Secretary determines appropriate.''.

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

(a) IN GENERAL.—

(1) REDUCING REQUIREMENT.—Section 3677(b)(1)(A)(ii) is amended by striking ''85 per centum'' and inserting ''60 percent''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2010, and 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 such date.

(b) SUNSET.—

(1) REVERSION.—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 ''60 percent'' and inserting ''85 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 wage increases 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 ON EDUCATION.

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

''(a) GRANTS.—Subject to the availability of appropriations provided for such purpose, the Secretary of Labor shall make grants to programs and facilities that the Secretary determines provide dedicated services for homeless women veterans and homeless veterans with children.

''(b) USE OF FUNDS.—Grants under this section shall be used to provide job training, counseling, placement services (including job readiness and literacy and skills training) and child care services to expedite the reintegration of homeless women veterans and homeless veterans with children into the labor force.

''(c) REQUIREMENT TO MONITOR EXPENDITURES OF FUNDS.—(1) The Secretary of Labor shall collect such information as that Secretary considers appropriate to monitor and evaluate the distribution and expenditure of funds appropriated to carry out this section. The information shall include data with respect to the results or outcomes of the services provided to each homeless veteran under this section.

''(2) Information under paragraph (1) shall be furnished in such form and manner as the Secretary of Labor may specify.

''(d) ADMINISTRATION THROUGH THE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.—The Secretary of Labor shall carry out this section through the Assistant Secretary of Labor for Veterans' Employment and Training.

''(e) BIENNIAL REPORT TO CONGRESS.—The Secretary of Labor shall include as part of the report required under section 2021(d) of this title an evaluation of the grant program under this section, which shall include an evaluation of services furnished to veterans under this section and an analysis of the information collected under subsection (c).

''(f) APPROPRIATED FUNDS.—(1) In addition to any amount authorized to be appropriated to carry out section 2021 of this title, there is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2011 through 2016.

''(2) Funds appropriated to carry out this section shall remain available until expended. Funds obligated in any fiscal year to carry out this section may be expended in that fiscal year and the succeeding fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2021 the following new item:

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

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 be responsible for reviewing 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 the review to the Secretary, who shall disseminate the review within the Department, as appropriate.

(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

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

''(b) 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 specify.

''(c) GRANT FUNDS.—Each grant awarded under this section shall be in an amount of not more than $250,000 per year.

''(d) USE OF FUNDS.—The recipient of a grant under this section shall use the grant to develop assistive technologies for use in specially adapted housing.

''(e) REPORT.—Not later than March 1 of each year following a year in which the Secretary makes a grant, the Secretary shall submit to Congress a report containing information related to each grant awarded under this section during the preceding calendar year, including—

''(1) the name of the grant recipient;

''(2) the amount of the grant; and

''(3) the goal of the grant.

''(f) FUNDING.—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.

''(g) TERMINATION.—The authority to make a grant under this section shall terminate on the date that is five years after the date of the enactment of this section.''.

(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 31 is amended by adding at the end the following new sections:

''§ 3123. Child care assistance for single parents

''(a) IN GENERAL.—Pursuant to regulations prescribed by the Secretary to carry out this section, the Secretary shall provide reimbursements for the actual cost of child care provided by a licensed provider to a veteran who—

''(1) is participating in a vocational rehabilitation program under this chapter;

''(2) is the sole caretaker of a child; and

''(3) would not otherwise be able to afford such child care.

''(b) AMOUNT AND DURATION.—The amount of the reimbursement for the actual cost for child care under this section shall be not more than $2,000 per month for each month the veteran is participating in a vocational rehabilitation program under this chapter.

''§ 3124. Information included in support of President's budget

''The Secretary shall include in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year submitted under section 1105 of title 31, United States Code, the following:

''(1) For the calendar year preceding the submission—

''(A) the percentage of veterans receiving assistance under this chapter who became employed; and

''(B) the percentage of veterans receiving assistance under this chapter who achieved independence in daily living.

''(2) Any changes made by the Secretary in measuring or calculating the performance of the department under this chapter.''.

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

''3123. Child care assistance for single parents.

''3124. Information included in support of President's budget.''.

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 striking ''$7'' and inserting ''$16''; and

(2) by striking ''$11'' and inserting ''$16''.

(b) TECHNICAL CORRECTION.—Subsection (a) of such section is amended by striking the second comma after ''34''.

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

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 penultimate 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.

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

(a) INCREASE IN SUBSISTENCE ALLOWANCE.—Section 3108(b)(1) is amended by striking the table and inserting the following new table:

''Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
.....	.....	.....	.....	The amount in column IV, plus the following for each dependent in excess of two:
Full-time	$585.87	$726.72	$856.39	$62.42
Three-quarter time	$440.21	$545.83	$640.27	$48.00
Half-time	$294.55	$364.94	$428.98	$32.03''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a payment made for the third month beginning after the date of the enactment of this Act and each subsequent month.

SEC. 18. EXPANSION OF AVAILABILITY OF EMPLOYMENT ASSISTANCE ALLOWANCE FOR VETERANS USING EMPLOYMENT SERVICES.

Paragraph (2) of section 3108(a) is amended to read as follows:

''(2) In the case of a veteran with a service-connected disability who the Secretary determines has reached a point of employability and who is participating only in a program of employment services provided under section 3104(a)(5) of this title, the Secretary shall pay the veteran a subsistence allowance as prescribed in this section for three months while the veteran is satisfactorily pursuing such program.''.

SEC. 19. PROMOTING JOBS FOR VETERANS TEACHING IN RURAL AREAS.

(a) IN GENERAL.—Part III is amended by adding at the end the following new chapter:

''CHAPTER 44—VETERAN TEACHERS

''Sec.

''4401. Assistance allowance for rural veteran teachers.

''§ 4401. Assistance allowance for rural veteran teachers

''(a) REDUCING ADMINISTRATIVE BURDEN.—The Secretary may pay to a rural veteran teacher a monthly assistance allowance of $500.

''(b) DURATION.—The aggregate period for which the Secretary may pay a rural veteran teacher a monthly assistance allowance under subsection (a) may not exceed 24 months.

''(c) RURAL VETERAN TEACHER DEFINED.—In this section, the term 'rural veteran teacher' means a veteran who—

''(1) is discharged from service in the Armed Forces under honorable conditions;

''(2) has not been employed as a teacher prior to receiving assistance under this section;

''(3) is employed to teach full-time at an accredited elementary or secondary school that is located in a rural area (as determined by the Bureau of the Census); and

''(4) on the date on which the veteran applies for a monthly assistance allowance under subsection (a), is enrolled in a State-approved course leading to certification as a teacher.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for fiscal year 2012 and each fiscal year thereafter.''.

(b) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and of part III, are each amended by inserting after the item relating to chapter 43 the following new item:

''44. Assistance allowance for rural veteran teachers ..... 4401''.

SEC. 20. PROMOTING JOBS FOR VETERANS THROUGH THE ESTABLISHMENT OF AN INTERNSHIP PROGRAM.

(a) IN GENERAL.—Chapter 7 is amended by adding at the end the following new section:

''§ 712. Internship program

''(a) INTERNSHIP PROGRAM.—From amounts available in the 'General operating expenses' account of the Department, the Secretary may carry out an internship program through which the Secretary shall award internships to up to 2,000 veterans each year in accordance with this section. The recipient of an internship under this section shall be employed in the Veterans Benefits Administration for the duration of the internship.

''(b) ELIGIBILITY.—To be eligible to receive an internship under this section a veteran shall have completed a rehabilitation program under chapter 31 of this title. In awarding internships under this section, the Secretary shall give a preference to a veteran who has completed a program of long-term education or training, as determined by the Secretary.

''(c) SALARY; BENEFITS.—(1) Each recipient of an internship under this section shall be paid at a rate determined by the Secretary, except that such rate shall be at least the maximum annual rate of basic pay payable for grade GS–3 of the General Schedule under section 5332 of title 5, United States Code, and shall not exceed the maximum annual rate of basic pay payable for grade GS–5 of such schedule. Payments under this paragraph shall be derived from amounts available in the 'General operating expenses' account of the Department.

''(2) Each such recipient shall be entitled to leave on the same basis as employees of the Department who are paid at the same annual rate, except that such recipient may not be reimbursed for any unused leave at the end of the internship.

''(3) The Secretary shall furnish hospital care, medical services, and nursing home care to each recipient of an internship under this section on the same basis as a veteran described in subsection (B) of paragraph (2) of subsection (a) of section 1710 of this title unless the recipient is eligible for such care and services under subparagraph (A) of such paragraph or under paragraph (1) of such subsection.

''(4) The recipient of an internship under this section may receive an allowance under section 3108 of this title if such recipient is entitled to such an allowance.

''(d) DURATION.—No internship under this section shall exceed 12 months in duration.

''(e) OUTREACH.—The Secretary shall notify each participant in a rehabilitation program under chapter 31 of this title of the internship program under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is

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, veterans 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 $1,000,000 for each of fiscal years 2011 and 2021.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to subchapter II the following:

''8129. 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.

(a) IN GENERAL.—Section 2102 is amended—

(1) in subsection (b)(2), by striking ''$12,000'' and inserting ''$13,756''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking ''$60,000'' and inserting ''$65,780''; and

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

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect 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 the end and inserting ''for any of the following purposes:'';

(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

(D) by adding at the end the following new subparagraphs:

''(B) Except as otherwise provided in this subsection, a loan may be guaranteed under this subsection only if it meets the requirements of this chapter.

''(C) The Secretary shall determine appropriate energy efficiency standards for purposes of this subsection and shall require that dwellings purchased, constructed, or improved using a loan guaranteed under this subsection meet such standards.''; and

(2) in paragraph (2), by striking subparagraphs (A) and (B) and inserting the following new subparagraphs (A) and (B):

''(A) five percent of the total established value of the property, dwelling, and improvements; or

''(B) $6,000, or a higher amount specifically provided by the Secretary.''.

(b) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue guidance on appraising the value of energy efficiency improvements for purposes of section 3710(d) of title 38, United States Code, as amended by this Act.

(c) REGULATIONS.—

(1) INTERIM POLICY GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe interim policy guidance on energy efficiency audits and the conditions under which the performance of such audits may be included in the amount guaranteed by the Secretary under section 3710(d) of title 38, United States Code, as amended by subsection (a).

(2) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary shall prescribe regulations to carry out the amendments made by subsection (a).

(3) ENERGY EFFICIENCY AUDIT DEFINED.—For purposes of this subsection, the term ''energy efficiency audit'' means a measurement of the effects of an improvement made to a dwelling for the purpose of reducing energy consumption or increasing energy efficiency that is carried out by a certified professional auditor, as determined by the Secretary.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to a loan secured on or after January 1, 2011.

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.

SEC. 25. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010.

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 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 rule, the gentleman from California (Mr. FILNER) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. 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. 5360.

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

There was no objection.

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

I want to commend, Mr. Speaker, Congresswoman STEPHANIE HERSETH SANDLIN for introducing H.R. 5360, also known as the HELP Veterans Act of 2010. For the last 4 years, as the chair of the Economic Opportunities Subcommittee, the Congresswoman has held hearings to investigate the needs raised by veterans, worked directly with veterans service groups to craft solutions and advance important policy to respond.

This is a comprehensive bill that addresses the critical issues facing veterans: housing, education, employment. It is a collaboration amongst a number of Members working together to make an impact and strengthen the economic opportunities for veterans.

Mr. Speaker, we know that in today's terrible 10 percent unemployment rate for the Nation, veterans as a whole are almost double that, and recently returned veterans are almost triple that. We, as a body and as a Nation, need to far more directly confront this issue. This is not a way to say ''thank you'' to our veterans who have served us, and this is one bill that will help make an improvement in all this.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, this bill has been adequately explained by the gentleman from California, and it does enjoy strong bipartisan support.

Ms. HERSETH SANDLIN. Mr. Speaker, I urge my colleagues to support H.R. 5360, the Housing, Employment and Living Programs (HELP) for Veterans Act of 2010, which the Veterans Affairs Committee approved with bipartisan support on Sept. 15, 2010.

I would like to thank Veterans Affairs Chairman FILNER and Ranking Member BUYER for their leadership on the committee and their support of this legislation.

I introduced the original version of H.R. 5360 on May 20, 2010, with the support of my colleague, Economic Opportunity Subcommittee Ranking Member BOOZMAN. The bill, as introduced, was titled the ''Blinded Veterans Adaptive Housing Improvement Act of 2010.'' The Blinded Veterans Adaptive Housing Improvement Act aligns the VA's definition of blindness with existing federal laws with regards to eligibility criteria for Specially Adapted Housing Grants. The Economic Opportunity Subcommittee that I chair held a hearing in November 2009 that identified this excessively restrictive definition as having prevented some visually impaired veterans from qualifying for the assistance they need to modify their homes for their disability.

Thanks to a concerted bipartisan effort by Ranking Member BOOZMAN, the other members of the Economic Opportunity Subcommittee, and other members of the full Veterans Affairs Committee, H.R. 5360 was improved and expanded throughout the legislative process to provide aid and assistance to many veterans beyond the visually impaired. I'm pleased the committee worked together in a bipartisan way to craft the final version of this legislation.

Importantly, these benefit improvements for veterans don't add a dime to the deficit. They are fully paid for by making a change that the VA requested to regulations regarding the VA's Home Loan Guarantee program.

H.R. 5360, now known as the HELP Veterans Act, improves benefits to veterans in a

number of areas in addition to the assistance for blinded veterans, including:

Increasing apprenticeship, on-the-job training and flight training educational benefits through the Montgomery G.I. Bill.

Extending authorization for the VA's work-study program for student veterans to 2020 and authorizing new program standards to allow these veterans to work in Congressional offices as part of their work-study.

Temporarily reducing, for the three years, the requirement for private employers to provide a wage increase for veterans participating in an approved on-the-job training program.

Reauthorizing the Veterans' Advisory Committee on Education.

Improving the Vocational Rehabilitation and Employment program by providing reimbursement for certified child care assistance for single parents as well as increasing the subsistence allowance payable to veterans participating in VR&E by 5.2 percent.

Updating regulations for VA educational benefit programs to increase the reporting fees payable to educational institutions as well as modifying the rules for advance payment of educational assistance to prevent any break in educational benefits.

Giving the Department of Labor the authority to make grants to programs and facilities to provide services for homeless women veterans and homeless veterans with children.

Again, I wish to thank Ranking Member BOOZMAN and the rest of my colleagues on the committee for the cooperative and bipartisan spirit in which they worked to better serve our veterans through this legislation. I urge my colleagues to pass H.R. 5360, the HELP Veterans Act.

Mr. BUYER. Mr. Speaker, I rise to express my strong support for another bipartisan bill H.R. 5360, despite my deep disappointment that certain veteran-friendly small business provisions passed unanimously by the Veterans Affairs Committee have been stricken from the bill before us today. Those provisions directly would have improved opportunities for small businesses owned and controlled by service disabled veterans.

H.R. 5360, is a bill that is a compilation of several bills reported to the Veterans Affairs Committee by the Subcommittee on Economic Opportunity under the leadership of the distinguished Chairwoman STEPHANIE HERSETH SANDLIN and I appreciate her work and that of Ranking Member BOOZMAN and Chairman FILNER for bringing this bill to the floor.

At a time when small businesses are facing a continuing shortage of credit, I am delighted to see that the bill includes section five which I introduced to reestablish the VA's small business loan program that expired in 1986. Under section five, VA would be authorized to guarantee small business loans up to $200,000 made by financial institutions. VA would also be required to contract with a financial institution experienced in this field to manage the program. I had originally introduced a similar provision in H.R. 293 and H.R. 4220.

However, I am deeply disappointed that the Democrats on the Small Business Committee led by Chairwoman NADIA VELÁZQUEZ once again chose to favor other small business set aside groups over service disabled veteran-owned small business by objecting to section 21 which I also included in this bill by amendment at the Full Committee markup. Section 21 would have merely leveled the playing field for 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 VELÁZQUEZ 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 technologibs 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 internship jobs 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 provisions to make a small increase in the grants made under 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. HASTINGS 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 4114 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 being separated or released from service in the Armed Forces;

''(C) was discharged under honorable conditions; and

''(D)(i) 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 programs of 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 (2) 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 $20,000 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 less than full-time basis, the Assistant Secretary of Labor for Veterans' Employment and Training may extend the number of months of payments under subparagraph (A) and proportionally 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 such other information as the Assistant Secretary may specify. Such report shall be submitted in the form and manner required by the Assistant Secretary.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each fiscal year for which the program is carried out.

''(e) 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 529 of this title.

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

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4114 the following new item:

''4115. Military transition program''.

(c) CONFORMING AMENDMENTS.—(1) Subsection (a)(1) of section 3034 of such title is amended by striking ''and 3687'' and inserting ''3687, and 4115''.

(2) Subsections (a)(1) and (c) of section 3241 of such title are each amended by striking ''section 3687'' and inserting ''sections 3687 and 4115''.

(3) Subsection (d)(1) of section 3672 of such title is amended by striking ''and 3687'' and inserting ''3687, and 4115''.

(4) Paragraph (3) of section 4102A(b) of such title is amended by striking ''section 3687'' and inserting ''section 3687 or 4115''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is one year 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) expeditious 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 submits to the Secretary a claim that the Secretary determines is a fully developed claim, the Secretary shall provide expeditious treatment to the claim.

''(3) If the Secretary determines that a claim submitted by a claimant as a fully developed claim is not fully developed, the Secretary shall provide such claimant with the notice described in section 5103(a) within 30 days after the Secretary makes such determination.

''(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; or

''(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, dates, and submits a certification in writing 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 'expeditious 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.''.

(b) APPEALS FORM AVAILABILITY.—Subsection (b) of section 5104 of such title is amended—

(1) by striking ''and (2)'' and inserting ''(2)''; and

(2) by inserting before the period at the end the following: '', and (3) any form or application required by the Secretary to appeal such decision''.

(c) 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. 4. TOLLING OF TIMING OF REVIEW FOR APPEALS OF FINAL DECISIONS OF BOARD OF VETERANS' APPEALS.

(a) IN GENERAL.—Section 7266(a) of title 38, United States Code, is amended—

(1) by striking ''In order'' and inserting ''(1) Except as provided in paragraph (2), in order''; and

(2) by adding at the end the following new paragraph:

''(2)(A) The 120-day period described in paragraph (1) shall be extended upon a showing of good cause for such time as justice may require.

''(B) For purposes of this paragraph, it shall be considered good cause if a person was unable to file a notice of appeal within the 120-day period because of the person's service-connected disability.''.

(b) APPLICABILITY.—

(1) IN GENERAL.—Paragraph (2) of section 7266(a) of such title, as added by subsection (a), shall apply to a notice of appeal filed with respect to a final decision of the Board of Veterans' Appeals that was issued on or after July 24, 2008.

(2) REINSTATEMENT.—Any petition for review filed with the Court of Appeals for Veterans Claims that was dismissed by such Court on or after July 24, 2008, as untimely, shall, upon the filing of a petition by an adversely affected person filed not later than six months after the date of the enactment of this Act, be reinstated upon a showing that the petitioner had good cause for filing the petition on the date it was filed.

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—

''(i) 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 subclause 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 subclause 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 subclause 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

''(ii) 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 clause shall not exceed the costs of medical care provided to the victim of the accident, theft, loss, or casualty loss; and

''(B) 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) CERTAIN AMOUNTS PAID BY STATES AND MUNICIPALITIES AS VETERANS BENEFITS.—Section 1503(a) of title 38, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (10);

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10) the following new paragraph (11):

''(11) payment of a monetary amount of up to $5,000 to a veteran from a State or municipality that is paid as a veterans' benefit due to injury or disease; and''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to determinations of income for calendar years beginning after October 1, 2011.

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

Section 5317 of title 38, United States Code, is amended by striking ''September 30, 2011'' and inserting ''September 30, 2015''.

SEC. 7. VETSTAR AWARD PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Veterans Affairs shall establish an award program, to be known as the ''VetStar Award Program'', to annually 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'' has the meaning given that term in section 101(2) of title 38, United States Code.

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

Section 1562(a) of title 38, United States Code, is amended by striking ''$1,000'' and inserting ''$2,000''.

SEC. 9. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010.

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 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 California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. FILNER. 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. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. 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 HERSETH SANDLIN of 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.

□ 1300

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.

I am recognized, and I am making a statement, because I am really upset. I am upset because this is the way the majority has been running the Congress, Mr. Speaker.

If you want to know why the American people are upset with the majority, it is because of this. If you don't give adequate notice to even a ranking member to be on the floor on bills, people are going to know. Do you know why they are going to know? Because I am going to tell the story. Rules matter around this place.

Now, let me go back to the first bill. The only reason I mention this is because I want to thank—you just passed it, by voice vote.

Let me tell you what is upsetting, something else that matters around here, and it is the Parliamentarian. You drop that bill, and the Parliamentarian makes those bills go to the appropriate jurisdictions. Something may get added by amendment to a particular bill that some other committee thinks that they want a view on it. Then what happens is the majority, not giving a doggone about the minority, puts bills onto this floor, whatever they want to do, so long as it is in comfort with someone else. They don't care about the minority or what our views are, so they just put it on the floor.

So once again we try to change the ''may'' to ''shall'' language in the last bill. The Small Business Committee prevents it. Now, why would you do that? Why would the Small Business Committee, run by the Democrat majority, alienate the disabled veterans? Why do you keep doing this? We keep appealing to you to place the disabled veteran in a higher position with regard to other set-asides, and you won't do it.

Mr. President, don't stand up and tell the American people, well, now we are going to focus on small business. Or, Madam Speaker, don't stand up and say we are now going to focus on small business. What did you do at the moment of calling? At the moment of calling, when you had an opportunity to do something about it, what did you do? Don't give the American people rhetoric. What did you do at the moment of acting? Oh, no, no, no, we are not going to do it.

Oh, you do your stimulus bill. I want to respond to a $1 billion small business bill on veterans. No, we're not going to do that; we are going to do VA construction.

Now you say, oh, my gosh, what are we going to do to stimulate small business? You had your opportunity over and over and over.

So, yes, I am pretty upset, Mr. Speaker. I am really upset. I am upset at what happened on that last bill. I am retiring. I am leaving Congress. And I am hopeful that the chairman—that you are as pugnacious as you can be and focus on that to help that disabled veteran, and change that language, Mr. FILNER, from ''may'' to ''shall,'' and I think it will go a very long way.

Mr. Speaker, with regard to the bill in front of us, I rise in support of it. It

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 servicemembers 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 of the Subcommittee on Health to increase the pension for Medal of Honor recipients to $2,000 a month.

Mr. Speaker, while I am sure we all agree that the provisions in this bill are laudable, it is unfortunate that certain provisions have also been left out.

Ranking Member BOOZMAN of 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 CONYERS of the Judiciary Committee raised questions on the jurisdictional issue regarding the provision and insisted that it be taken out.

Here we go again. So to America, bills are coming to the floor, people are yanking things out of the bill. So what is happening is we are rushing bills to the floor, rather than allow them to be properly vetted through all jurisdictions. We are not going to do that.

So what do we have? We have a bill now on the floor that had a gun provision taken out of it right before an election. That is great. I am not running again, so those of you who are pleased that I guess the gun provision was taken out of the bill, you can answer to your constituents about why that happened.

So I'm, once again, bothered. It's unfortunate. I am leaving an institution that I love and respect, but, boy, am I bothered with the way it is being run.

I ask Members to support this bill.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H.R. 6132, the Veterans Benefits and Economic Welfare Improvement Act of 2010. I want to thank the author, the gentleman from California and Chairman of the House Committee on Veterans' Affairs (VA), Mr. BOB FILNER, and also members of the House Committee on Veterans' Affairs, for their support of our men and women who have served our country in the military.

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 needed in the job market. At a 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 most recent 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. Given these immense challenges, it is only 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 measures into one solid piece of legislation that will serve our veterans by helping them transition into the job market and improving the disability claims and appeals process, among other things.

Included in this legislation is a bill I introduced to help improve the disability claims process, H.R. 5549, The RAPID Claims Act. The RAPID Claims Act codifies the already successful Fully Developed Claim pilot program that Congress created in 2008, with a few improvements.

Since veterans who participate in the Fully Developed Claim program are gathering their evidence without VA assistance, they should be able to notify VA to mark their date of disability compensation as soon as they begin to put their case together. The RAPID Claims Act ensures this date is protected.

Additionally, if VA decides that a claim submitted by a veteran for the Fully Developed Claim program is actually ineligible for that program, VA should immediately notify the veteran of what is needed to substantiate the claim to allow it to proceed efficiently through the normal disability claim process. If VA adjudicates an incomplete claim without notifying the veteran, the result would be more inaccurately processed claims and a longer appeals backlog. The RAPID Claims Act requires VA to assist such veterans in putting together a regular disability claim to prevent unsatisfactory decisions and unnecessary appeals.

Finally, The RAPID Claims Act ensures that veterans receive an appeals form at the same time as the decision on their disability claim. This will help veterans more quickly prepare and file an appeal if necessary.

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 support it.

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. Included among these provisions 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 federally employed 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 years to 18 months the period during which Disabled Veterans' Outreach Program (DVOP) specialists or Local Veterans' Employment Representatives (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 I chaired 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 small businesses already listed in 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 the verification 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 scope 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 the work-study allowance 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 their 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, theft, loss or casualty loss.

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 truck when 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 loss from being included into the determination of a veteran's income.

I want to thank Chairman BOB FILNER 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. FILNER. 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 California (Mr. FILNER) that the House suspend the rules and pass 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. FILNER. 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 website 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 the 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, especially such websites that focus on jobs for veterans.

(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 for the purpose of promoting awareness of the VetSuccess Internet website to veterans.

(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 DEFINED.—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. 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 LEAVE

Mr. FILNER. 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 bill.

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

There was no objection.

Mr. FILNER. 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 House 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 FILNER 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 Web sites. It also would 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 addressed some of my concerns, they continue to miss what I believe is the underlying reason for the bill—consumer service and usability.

□ 1310

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 Jobs for 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 for our veterans.

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 filter 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 to finally access the VetSuccess job portal. Can you imagine the frustration that must occur?

This is too high a hurdle for something so simple as a job listing for veterans. You should be able to simply go to this one site, type your zip code in, and simply get a list of the job listings. When I was finally able to type in my zip code and found jobs in my hometown of Ocala, Florida, I got a list of about 60 jobs, mostly menial jobs driving as a chauffeur and lawn care jobs. 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.com—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 easily accessible in 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. FILNER, 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 the customer, our veterans.

My bill, HR 3685, would require that the Department of Veterans Affairs would have a drop-down menu titled ''Veterans Employment'' on its homepage. This drop menu would have links to VetSuccess, USA Jobs, Job Central and other appropriate employment websites. It would also require the Secretary of VA to advertise and promote the VetSuccess website and require direct outreach to veterans of Operation Iraqi Freedom and Operation Enduring Freedom.

This bill comes out of discussions I had with the VA over the past couple of years and while the VA has addressed some of my concerns, they continue to miss the underlying reason for my bill: customer service and usability. The VA should have a clear link that will take veterans to a listing of jobs based on zip code.

Today, if you are a veteran and are looking for a job, whether it is in the private sector or within the government, it can be a difficult task. The VA should not make it harder to use their job searching services to help find a job.

For example, when you go to the VA homepage under quick links there is ''Federal Jobs for Veterans.'' This is close to what I want, but private sector jobs are not listed since it only lists federal jobs. To find private sector jobs, you have to click on the Veteran Service dropdown menu and navigate 28 possible links and somehow know that VetSuccess is the proper link.

There is 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 veteran programs, you may not know that VetSuccess is the web portal for private sector jobs. The title, VetSuccess, isn't clear. VetSuccess might be the link for successful navigation of the VA bureaucracy. The title should clearly mention jobs or employment.

Then, once you get to the VetSuccess webpage 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 filter 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 to finally access the VetSuccess job portal.

This is too high a hurdle for something so simple as a job listing for veterans. You should be able to go to this site, type your zip code and get the job listings. When I was finally able to type in my zip code and found jobs in my hometown of Ocala, I got a list of 64 jobs, mostly menial, Driving and Lawncare jobs.

When I go to Monster.com, I don't need to register to do a quick lookup for the 237 jobs listed within 20 miles of Ocala. VetSuccess needs to be more like Monster: immediate access to job listings by zip code without hiding behind vague titles in a crowded drop menu with excessive registration requirements.

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 plan language on the VA's homepage and the VetSuccess program should provide these job listings without making veterans jump through more 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 whom 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. So it is not just the veterans who may 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.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BUYER. 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.

PROVIDING HONORARY TITLE FOR ARMY RESERVISTS

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3787) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3787

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

SECTION 1. PROVISION OF STATUS UNDER LAW BY HONORING CERTAIN MEMBERS OF THE RESERVE COMPONENTS AS VETERANS.

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 107 the following new section:

''§ 107A. Honoring as veterans certain persons who performed service in the reserve components

''Any person who is entitled under chapter 1223 of title 10 to retired pay for nonregular service or, but for age, would be entitled under such chapter to retired pay for nonregular service shall be honored as a veteran but shall not be entitled to any benefit by reason of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 107 the following new item:

''107A. Honoring as veterans certain persons who performed service in the reserve components.''.

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 LEAVE

Mr. FILNER. 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.

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

There was no objection.

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

Mr. Speaker, today there are over a million men and women serving in our country in the National Guard and Reserves performing a wide variety of duties from combat operations around the world to responding to natural disasters at home. Members in the National Guard serve two commanders—the President, if called upon to join active duty components of the armed services, and the Governor of their State. Because of this, they were some of the first on the scene to bring calm following Hurricane Katrina. And during the recent British Petroleum oil spill in the gulf, over 1,600 members of National Guard units from four States were mobilized to protect our treasured coastline.

At age 60, members of the Guard with 20 years of service qualify for benefits similar to military retirees but cannot be designated as veterans of the armed services. As such, these so-called gray-area retirees cannot call themselves veterans even for honorary purposes. As such, they are not saluted during veterans' tributes and don't enjoy other ceremonial veterans' honors.

This bill would allow the members of the Reserve component the honor of calling themselves veterans. Specifically, this bill would establish members of the National Guard who are eligible for a non-regular retirement, but who were never called to active duty during their careers, to be called veterans for honorary purposes.

The chief sponsor of this bill is Representative WALZ from Minnesota. He served 24 years in the National Guard, rising to the rank of Command Sergeant Major; and in fact is the highest ranking enlisted man ever elected to this Congress. When he was called to active duty for the period required to earn him full veteran status, he realized that many of his brothers and sisters at arms were denied that honor.

This legislation is supported by members of the Military Coalition and the National Military Veterans Alliance, which together represent several million active duty servicemembers, veterans, and their families. I urge my colleagues to join me in supporting H.R. 3787.

I reserve the balance of my time.

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

I rise also in support of H.R. 3787, as amended, introduced by my good friend, the former Command Sergeant Major TIM WALZ of the Minnesota National Guard. I know where he wanted to go with this legislation. I think what he has done is really struck the right compromise. I discussed this even at the time in the committee. We don't like to think of America as a coalition government, but in fact that's what we are. We are States out there for which we all have to recognize the constitutions of each of the States and we are bound together by a U.S. Constitution. Different States have their own militia but at the same time they're also under the United States Code, and can be called upon. When they're called upon to serve in Federal status, in particular serving the Nation at war for a period of greater than 180 days or are injured on active duty, they gain access to not only being called a veteran but also to veterans' benefits.

But this is a pretty good title. It is an honorary title with regard to those who served greater than 20 years in the National Guard and they had not been called to active duty for an extended period of time, which would make them eligible for VA benefits under the statute. So I think what the gentleman from Minnesota has tried to do is to strike the appropriate balance, and I believe that he has found it.

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

□ 1320

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

Mr. FILNER. 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. 3787, 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 recognize the service in the reserve components of certain persons by honoring them with status as veterans under law.''.

A motion to reconsider was laid on the table.

CHANGING CERTIFICATION REQUIREMENTS FOR VA COUNSELORS

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5630) 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.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5630

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 a vocational rehabilitation employment coordinator fails to meet a condition of employment applicable to such individual under 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.''.

(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) INDIVIDUALS HIRED AFTER DATE OF ENACTMENT.—Section 3123 of title 38, United States Code, as added by subsection (a), shall apply with respect to an individual hired by the Department of Veterans Affairs after 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 a vocational rehabilitation employment coordinator by the Department of Veterans Affairs before the date of the enactment of this Act, such individual is 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 LEAVE

Mr. FILNER. Mr. 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 H.R. 5630.

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 would like to commend the gentleman from Arkansas, Representative JOHN BOOZMAN, for introducing this bill, which seeks to set minimum educational and training standards for certain employees of the Vocational Rehabilitation and Employment program operated by the Department of Veterans Affairs. This would, of course, help veterans while they set their employment goals.

I reserve the balance of my time.

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

Mr. Speaker, I rise in strong support of H.R. 5630, a bill which would set certain requirements for professional level jobs at the Department of Veterans Affairs' Vocational Rehabilitation and Employment program.

In 2009, the Government Accountability Office reported that one-third of the VA's regional offices reported that their VRE staffs did not have the skills needed to properly serve the disabled veterans who come to them for help. Although it is our understanding the VA currently hires counselors with at least a master's degree in vocational rehabilitation counseling, it does not require counselors to obtain and maintain certification in their field from a national certifying organization. There are also no educational qualifications for VRE employment coordinators.

To ensure that the VA rehabilitation counselors are the best qualified in their field, H.R. 5630 would set a minimum hiring standard at a master's degree and would require counselors to obtain national certification within 5 years of hiring and to maintain these qualifications. Employment coordinators would be required to have a relevant bachelor's degree, to obtain certification within 5 years, and to maintain these qualifications. Counselors and coordinators who fail to comply with these standards will be subject to termination.

Mr. Speaker, these are commonsense provisions which are designed to ensure that our disabled veterans are receiving the best vocational rehabilitation and employment services possible.

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.

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 for other purposes, as amended.

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:

''(e)(1) In order to be an eligible life insurance company under this section, a life insurance company shall—

''(A) make available, both orally and in writing, financial counseling to a beneficiary or other person otherwise entitled to payment upon the establishment of a valid claim 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).

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

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

''(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) allowing the insurance company to maintain the lump-sum payment;

''(III) receipt of thirty-six equal monthly installments; and

''(IV) any alternative methods;

''(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;

''(iii) an explanation of the interest rate earned on any such payment that is maintained by the life insurance company or paid in thirty-six equal monthly installments by the company and how such rate compares to the interest rate earned by accounts at financial institutions, including demand accounts; and

''(iv) other relevant information.

''(3) In order to be an eligible life insurance company under this section, a life insurance company may not charge any fees to a beneficiary or other person otherwise entitled to payment upon the establishment of a valid claim under section 1970(a) of this title for any purpose, including for maintaining such payment with the company.

''(4) The Secretary shall include in each annual performance and accountability report submitted by the Secretary to Congress information concerning—

''(A) the number of individuals who received financial counseling under paragraph (1)(A);

''(B) the number of individuals who received the disclosures under paragraph (1)(B);

''(C) the type of information received by such individuals during such counseling; and

''(D) any recommendations, complaints, or other information with respect to such counseling that the Secretary considers relevant.''.

(2) REGULATIONS.—The Secretary of Veterans Affairs shall prescribe regulations to carry out section 1966(e) of title 38, United States Code, as added by paragraph (1).

(b) OFFICE OF SURVIVORS ASSISTANCE.—

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

(A) by striking ''The Office'' and inserting ''(1) The Office''; and

(B) by adding at the end the following:

''(2) The Director of the Office shall attend each meeting of the Advisory Council on Servicemembers' Group Life Insurance under section 1974 of this title.''.

(2) RESOURCES.—Subsection (d) of such section is amended—

(A) by striking ''The Secretary'' and inserting ''(1) The Secretary''; and

(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 individuals 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 1966(e)(1) of this 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.

GENERAL LEAVE

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.

This bill was sponsored by one of our esteemed colleagues, Representative DEBBIE HALVORSON of Illinois, to ensure that beneficiaries of the Servicemembers' Group Life Insurance, SGLI, receive financial counseling, greater disclosure information and other needed support concerning the proceeds of their SGLI life insurance benefits. Mrs. HALVORSON acted very quickly in response to some of the publicity on this and to some of the pain felt by the survivors.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois (Mrs. HALVORSON).

Mrs. HALVORSON. I thank the chairman for yielding.

Mr. Speaker, I rise today on behalf of military families and the surviving family members of our men and women who were killed in battle as they fought to defend our freedom.

H.R. 5993 will help ensure that the families of our soldiers killed in action fully understand the benefits that they are entitled to, and it will help them comprehend the financial products they are using.

As many of our colleagues know, Mr. Speaker, many of our soldiers participate in the Servicemembers' Group Life Insurance program, or the SGLI, as they fight overseas. The SGLI is intended to provide our servicemembers and their families with low-cost life insurance under circumstances in which most insurance companies would not take the risk of providing life insurance coverage. In the tragic circumstance that a soldier is killed in action, the surviving family member is then entitled to a policy that helps ease some of the financial burdens left behind.

Currently, the beneficiary may receive the payment in the form of what is called a ''Retained Asset Account,'' which is administered by the insurance company. These financial products are similar to a checking account in that they allow the beneficiary the ability to draw down the funds in increments until exhausted.

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, which 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 when it was sitting in these accounts and, three, 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 in the fine print of their policies.

The surviving family members of our fallen soldiers should never feel that way. It is our responsibility to make sure that they don't ever feel that way again. We need to make sure that 100 percent of these survivors feel protected and safe.

My bill is endorsed by the American Legion, the National Military Family Association, the Military Officers Association of America, the Gold Star Wives of America, and on and on and on. I have letters from all of them that I would like to include in the RECORD. However, I want to read an excerpt from the National Military Family Association.

It reads: ''Dear Representative Halvorson, the National Military Family Association has long 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 SGLI groups.

''H.R. 5993, the Securing America's Veterans Insurance Needs and Goals, which is called the SAVINGS Act, which you have introduced, would mandate that the Secretary of Veterans Affairs require insurance companies providing coverage through these programs to only provide counseling and disclosure information to family members of fallen soldiers.

''The National Military Family Association is the leading nonprofit organization committed to improving the lives of military families. Our over 40 years of service and accomplishments have made us a trusted resource for families and the Nation's leaders. As the only nonprofit organization that represents the families of the Army, Navy, Air Force, Marine Corps, Coast Guard, 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.''

□ 1330

So as you can see, this is something that is badly needed so that the families know exactly what they have available to them so that they can make the best decision with those benefits. It focuses on making Congress also better aware of what these SGLI programs are about.

Again, let me be perfectly clear. Today we are strictly focused on disclosure, transparency, financial counseling, and oversight. And make no mistake, we need to do more work on improving the SGLI program. I think we are all committed to doing that, 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

is an urgent issue, and it absolutely needs to be our main focus. It is our responsibility to go above and beyond the call of duty. They sure have, and we need to protect these widows and orphans. This is one of the most important and solemn duties that we have as Members of Congress. H.R. 5993 will help us fulfill that responsibility in a reasonable and effective manner.

Before I close, I would like to thank Chairman FILNER, Chairman HALL, as well as all of our committee staff who have worked so hard to move this legislation along, and we have all worked hard on this bill.

I urge my colleagues to stand with me—protect the families of our fallen soldiers—by voting ''yes'' on H.R. 5993.

GOLD STAR WIVES
OF AMERICA, INC.,
September 26, 2010.

Chairman BOB FILNER,
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 SGLI accounts are fully open and honest about its 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 Sevicemembers' 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 Survivors 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 sorrowful time.

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. DEBBIE 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 (VA) to administer the 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, Securing America's Veterans Insurance Needs and Goals (SAVINGS) Act, would mandate 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 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 our 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 to the payee a small amount of the interest. While 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 veterans and military in 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 payees of the policy.

Sincerely,

JIMMIE L. FOSTER,
National Commander.

NATIONAL MILITARY FAMILY
ASSOCIATION,
Alexandria, VA, September 23, 2010.

Hon. DEBORAH L. HALVORSON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HALVORSON: The National Military Family Association has long 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, more disclosure, 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. This 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 KMoakler@MilitaryFamily.org or 703.931.6632.

The National Military Family Association is the leading non-profit organization committed to improving the lives of military families. 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. FILNER. 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, and it is going to help all of 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 problem is 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 first place. Oh, no, no, no. 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, we all 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 the issues on 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 launched 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 like to know more 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 Bloomberg or The Washington Post.

Ms. FOXX. Will the gentleman yield?

Mr. BUYER. I yield to the gentlelady from North Carolina.

Ms. FOXX. Mr. Speaker, it's my understanding that this bill is being brought to the floor in a rush without there even being any hearings in the committee.

Mr. BUYER. Reclaiming my time, when we marked up the bill in the committee, I raised very pertinent issues. I sought to work with the author of the bill. She had no interest in working out an amendment on the language. I thought what would happen is, well, I won't offer the amendment in the committee. We'll work this matter out as we learn more.

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 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 for their own job 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 must do 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 we've got to be very careful. 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 go a little bit further.

My colleague Mrs. HALVORSON argues that this bill does not 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 view with regard to this 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 terms, quote, maintaining the payment, end quote. Now, what is that? What do you mean ''maintaining the payment''? The statute is already very clear what you're to do with the money when it comes to widows and orphans or other beneficiaries. This is a reference to the retained asset account payment method without calling it that.

I think it is reasonable to ask how Congress can tell the VA to counsel anyone about Prudential's practice that may be illegal without well informing them of what Prudential is doing may be illegal and is being challenged in a Federal class action today unless, of course, we change the law and expressly make the practice legal, which Mrs. HALVORSON maintains she's not doing. But somehow, I don't think that full disclosure is going to occur.

□ 1340

I completely understand how my colleagues might find all this rather confusing, and I don't find it funny either.

I'm also confused by Mr. Chairman's report statement after the Bloomberg article was released that he was outraged, and the VA should demand answers. Did we get answers, and now everything is all right? Did the VA's self-investigation resolve everything?

The White House has also made a statement, calling this an unacceptable business practice. Have the unacceptable business practices been identified? Have they been stopped? Has something changed, and now Congress should mandate that the VA give specific counseling on 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 effectively ratifying this practice 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 servicemembers 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 appear not to match 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. When this statute was written back in the mid-1960s, there as 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, the statute. So this bill before us is about to say, the VA should provide counsel to the beneficiaries about a business practice that is not even legal. That's like saying,

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 why this legislation before us 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. It only says two 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 13, 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 received by the beneficiaries in a secure, timely manner.

Beneficiaries are enabled in making deliberate and responsible decisions with the assets they receive.

Beneficiaries making financial decisions have been educated and assisted in understanding the complex issues before them. They will be made comfortable in competently managing benefits in accordance with their own time lines.

Options available to the beneficiaries will be clear, competitive, and at no cost to the beneficiary.

The entire settlement process is dignified and respectful of the individuals involved.

The specific approaches that VA, working in consultation with other Agencies, has determined it will pursue in the near term are:

VA will provide better clarity of payment options by using a new Claim Form that requires the beneficiary to affirmatively choose one of three clear payment options:

Lump Sum Alliance Account (Retained Asset Account).

Lump Sum Payment—Paid out in full via a check sent to the beneficiary. VA is exploring Electronic Funds Transfer (EFT).

36 Monthly Installments—Paid out in full via monthly installments, as mandated by law, sent to the beneficiary (this three year payout option has always been available to beneficiaries).

If the beneficiary does not select an option, the SGLI Program will utilize the AA. The AA provides immediate access to funds, while permitting beneficiaries the time necessary to study their options and make deliberate, responsible financial decisions.

In addition: A VA-supplied letter will be enclosed with every Claim Form and every AA Kit that will explain in a clear and complete manner:

That the insurance proceeds have been deposited into an interest bearing account at rates competitive with similar types of ''demand accounts'' (e.g., checking, money market, etc.).

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

That 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 also take the following actions:

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 FAQ's, Web site information, handbooks, etc. will be modified to clearly and completely explain all aspects of the AA and all options available to the beneficiary.

VA will clearly designate the source of correspondence by removing the SGLI seal from all ''checks'', forms, and correspondence and replacing it to show that it is from Prudential, with the subtitle of ''Office of Servicemembers' Group Life Insurance''.

VA will identify additional opportunities to encourage beneficiaries to use the free financial counseling service.

VA will, in coordination with DoD, improve support to Casualty Assistant Officers and Transition Assistance Program (TAP) Personnel by helping to prepare additional training materials and instruction.

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

I reserve the balance of my time.

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

By the way, I didn't see a copy of the agreement. What is the date of that agreement, Mr. BUYER?

I yield to the gentleman.

Mr. BUYER. September 13, 2010.

Mr. FILNER. I thank the gentleman from Indiana.

The ranking member and I have no disagreement that this law before us is not about substance. There is an investigation ongoing. Our committee is investigating. We will have hearings on this. But it's not politics over substance. It's accountability transparency over substance. And all of the leading organizations which have to deal with the beneficiaries, with the survivors of those killed in action support this bill. The National Military Family Association, the Gold Star Wives, amongst others.

So this legislation is about transparency. It's about accountability. It's about disclosure. It's about people understanding the process. This bill doesn't condone anything. It just says that those grief-stricken survivors know what's happening to them under the procedure that we have. Whether it's a proper procedure, whether it's based on an illegal account is something that the courts are working out and we're investigating.

Right now everybody just wants to know what is going on and to have the insurance company, Prudential, disclose everything in advance so a decision can be made by the grief-stricken survivors. That is all we are doing in this bill, and it is needed. It is, in fact, demanded by those who represent the survivors that we act quickly to give some measure of accountability and disclosure to those beneficiaries. We need this bill, and we need it now.

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 9½ minutes remaining. The gentleman from Indiana has 8½ 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 this one doesn't. You cited 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 four corners of the document that we have before us is actually legislation that uses this clever and artful language about maintaining the lump sum

payment. What do you mean, ''maintaining the lump sum payment''? It's almost like a code word for saying, We want to maintain our current business practice of the retained asset account because that's what the way forward agreement is. It's very clever. This is very wrong.

Here is what we ought to do, Mr. Speaker. I have never done this before on the House floor with anyone in my 18 years, but I am going to ask this of Chairman FILNER: Would the gentleman ask that this legislation be pulled from the floor at this time so we may work out the details rather than having this heated debate? You said that you would have a hearing on it. Let's go have a hearing. Let's work this out with our leading experts, 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.

□ 1350

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

Mr. BUYER. Well, 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 call. But 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, not to take something for which there is utter and complete disagreement, not to take something that there have been no hearings on, not to take an issue that it now finds itself in attorney generals' investigations and class action lawsuits, and we are just going to, like, bring it to the floor, even though we are going to pass a statute that is in complete contradiction of an existing statute. What are we doing?

I mean, this is really a time-out moment here. This is a time-out moment, Mr. Speaker. And it is very, very bothersome to me that something like this would be placed on the suspension calendar, especially when this was the week in which we were supposed to be holding hearings on it.

I know, Mr. Speaker, that you are anxious to get out of here and you want us to adjourn for an election, but don't take legislation to the floor that is not properly prepared for the floor. And you have permitted that to occur, and that is not right. It is wrong, in my book.

But you are the majority, and you have actually been able to show that you can do as you please, and the rules don't always matter, I guess, around here.

But I want the RECORD to reflect my views on what is happening here. Also, I will file additional views with the bill and the report to explain in greater detail the legality of what I feel that we are facing, and I will do everything in my power to ensure that this bill does not become law until it is fixed.

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

Mr. FILNER. Mr. Speaker, we had a little lecture on the suspension calendar, which is supposed to be items of consensus. This item was discussed and voted on by our committee. If I recall, there was one ''no,'' the ranking member. There were no other ''no'' votes. The ranking member confuses his singular and personal opposition to the fact that, oh, I guess everybody disagrees with it. No, this came out of our committee with one ''no'' vote. So the gentleman just doesn't understand what consensus means. He thinks if he alone is against it—as I recall, he was the only one in this whole body that voted against a truly interesting new way to approach financing, and that was advanced appropriations.

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 the gentleman.

This bill, as I said before, and as Mrs. HALVORSON said very distinctly and very eloquently, is about disclosure, accountability, transparency. The survivors need to know what is going on.

We will, as the gentleman requested, have and are pursuing the investigation. We are pursuing whether the so-called retained asset account is the legal structure that should happen. The VA is pursuing that. And we will get to that.

But right now, right now, as men and women are dying in action, their survivors need to know what is going on. We can't wait for this process to go on and on and on and on, especially when they face a huge insurance company.

The gentleman asked what organizations support us. The American Legion has a letter supporting us. I didn't hear any letter that the gentleman had. As Mrs. HALVORSON read, the National Military Families Association supports this bill. And the Gold Star Wives of America, the preeminent group that works for the benefit of survivors of those who are killed in action, has sent us the following letter:

''In light of the recent news that insurance companies could potentially use group life insurance policies to profit from accounts it maintains for families of fallen soldiers, Gold Star Wives of America supports H.R. 5993. It would ensure that insurance companies authorized by VA to administer the SGLI accounts are fully open and honest about its practices for those policies on which so many servicemembers rely to ensure financial security for their families.

''The bill, the SAVINGS Act introduced by Representative Debbie Halvorson of Illinois, would mandate that the Secretary of Veterans Affairs require insurance companies that provide coverage through this program to offer financial counseling and improved disclosure of information to family members and survivors.

''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. These greater disclosure requirements and counseling would better help survivors to understand their options so that they make sound decisions during a stressful and sorrowful time.

''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.''

GOLD STAR WIVES OF AMERICA, INC.,
Bellevue, NE, September 26, 2010.

Chairman BOB FILNER,
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 SGLI accounts are fully open and honest about its practices for these policies on which so many servicemembers rely to ensure financial security for their families.

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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 sorrowful time.

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,

Mr. Speaker, in support of H.R. 5993, as amended, I am submitting letters of support from The American Legion, Veterans of Foreign Wars of the United States, Gold Star Wives of America, Inc., and the National Military Family Association.

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 insurance companies contracted by the Department of Veterans Affairs (VA) to administer the 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, Securing America's Veterans Insurance Needs and Goals (SAVINGS) Act, would mandate 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 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 our 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 to the payee a small amount of the interest. While 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 veterans and military in 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 payees of the policy.

Sincerely,

JIMMIE L. FOSTER,
National Commander.L

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, September 28, 2010.

Hon. DEBORAH HALVORSON,
House of Representatives,
Washington DC.

DEAR CONGRESSWOMAN HALVORSON: On behalf of the 2.1 million members of the Veterans of Foreign Wars and its Auxiliaries, I would like to offer our support for H.R. 5993, the Securing America's Insurance Needs and Goals (SAVINGS) Act.

In light of recent disclosures that insurance companies could potentially profit from their holding of funds guaranteed to the families of fallen soldiers through the Veterans Group Life Insurance (VGLI) plan, we believe this legislation is necessary to reassure families of the fallen by ensuring insurance companies are open and honest about the policies on which so many military families rely.

H.R. 5993 would mandate that the Secretary of Veterans Affairs require that insurance companies that provide coverage through the VGLI program provide measures to ensure transparency, financial counseling and disclosure information to family members of fallen soldiers. This counseling, both in writing and during in-person counseling sessions with trained professionals, would better help family members understand their options so that they can make sound fiscal decisions during a stressful and harrowing 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 VGLI 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 looks forward to working with you and your staff on this and other measures to properly care for our veterans and their families.

Sincerely,

GERALD T. MANAR,
Deputy Director,
National Veterans Service.

GOLD STAR WIVES OF
AMERICA, INC.,
Bellevue, NE, September 26, 2010.

Chairman BOB FILNER,
House Committee on Veterans' Affairs, 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 SGLI accounts are fully open and honest about its 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 Sevicemembers' 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 Survivors 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 sorrowful time.

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,

NATIONAL MILITARY FAMILY
ASSOCIATION,
Alexandria, VA, September 23, 2010.

Hon. DEBORAH L. HALVORSON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HALVORSON: The National Military Family Association has long 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, more disclosure, 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. This 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.

The National Military Family Association is the leading non-profit organization committed to improving the lives of military families. 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. 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.

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. BUYER. 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.

□ 1400

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

(2) the manufacturer participates in the E-Verify Program under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

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.

GENERAL LEAVE

Mr. DRIEHAUS. 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. 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 28, 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.

Mr. Speaker, H.R. 2853 ensures that the flag of this country, flown by this country, will be made in this country.

I would like to thank my colleagues for their hard work on this bill, and I encourage them to join me in supporting this commonsense legislation.

I reserve the balance of my time.

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

I would like to thank the author of the bill and the committee working on this. I think that we have been able to not only address the issue of where flags are made and what material goes into those flags but, because of the overwhelming bipartisan support for my amendment, we are also going to make sure that those flags are made by legal Americans. I think that is something that was overlooked. In fact, if I remember right, the vote in committee was unanimous except for one vote; let's say that. I think that bipartisan support for the fact that we want flags flying over our Capitol that are made in America, with American material and by Americans who are legally here, was a great message to send. I think that is the kind of bipartisan support and consensus that the American people have been asking about for a long time.

I think that one of the things that we clarify here is that, with the amendment that the majority accepted from me, we were able to point out that there may be a lot of disagreements about the immigration issue, a lot of differences about where jobs go, but if there is one place that we can kind of meet together, the one thing that seems to be working, a very moderate consensus builder, was the success of E-Verify. One place the Bush administration and the Obama administration agrees on: The expansion of E-Verify as being the minimum standard that we make sure employers take, including those who are making the flags for our country that are going to fly over this Capitol.

I think the only place that I can actually think about when it comes to immigration that Arizona and Massachusetts agree on is that employers should E-Verify, not just to make sure that those who are here legally are working, but also to make sure that we do not prejudge employees before. One of the great things is that E-Verify doesn't ask the employer to make a determination based on just sheer observation is somebody a U.S. citizen or a foreign national; it treats everybody equally. I think that is one of the big successes here.

So I would just like to say, again, I think one of the big successes of this bill is not just that the American people will know that the flags that fly over our Capitol are made in America, with American material and with legal Americans, but the fact is symbolic of the success of the majority supporting my amendment, and that this bill will actually show, too, that: America, we can agree on one thing on immigration, and that is that E-Verify seems to be a success that all of us can get around.

Mr. Speaker, I yield 1½ 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 and open debate 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 gentlelady'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 gentlelady 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 the 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 was passed here, the $30 billion, is 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 go 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 failure 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, that crosses the Ohio River. It is the Roebling Suspension Bridge that connects Kentucky and Cincinnati. Again, I don't consider that to be a failure. Nor do I consider to be a failure the hundreds, if not thousands, of jobs in the State of Ohio that police and firefighters now have, the thousands of jobs that teachers now have because 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.

I 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 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 as 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 freedoms and for the free enterprise system that makes our freedoms possible will be able to be sure that they will not be covered with a flag made in China.

□ 1410

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 ways will include that the honor of a military funeral and having the Nation's colors draped over your casket, you will be assured that it will be said to be made in America.

So 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 E-Verify 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 Democrats and Republicans can agree on. There is a place that we can reach a common ground and find answers, rather than pointing 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 commonsense 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 and 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 are not given a tax deduction for it. I think that is one place that Republican 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 discussion 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 should be 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 voting 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 very much respect the gentleman's remarks, and I too have the flag of my father's coffin in my office. We buried him two years ago last week. So it means something very special to me that we have come together today to support this legislation, because when it comes to our Federal tax dollars being spent on American flags, those jobs should be in the United States, those flags should be made in the United States, the parts of those flags should be made in the United States.

I appreciate the support of all the Members of the committee, and I applaud Representative BRALEY for bringing the bill forward.

Mr. Speaker, I again urge my colleagues to join me in supporting this measure.

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. 2853, 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. 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.

EMIL BOLAS POST OFFICE

Mr. DRIEHAUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4602) to designate the facility of the United States Postal Service located at 1332 Sharon Copley Road in Sharon Center, Ohio, as the ''Emil Bolas Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4602

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

SECTION 1. EMIL BOLAS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1332 Sharon Copley Road in Sharon Center, Ohio, shall be known and designated as the ''Emil Bolas 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 ''Emil Bolas 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 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. Mr. Speaker, I yield myself such time as I may consume.

On behalf of the Committee on Government Reform and Oversight, I am pleased to present H.R. 4602 for consideration. This legislation will designate the facility of the United States Postal Service located at 1332 Sharon Copley Road in Sharon Center, Ohio, as the Emil Bolas Post Office.

Introduced by our friend and colleague Representative JOHN BOCCIERI of Ohio on February 4, 2010, H.R. 4602 was favorably reported out of the Oversight and Government Reform Committee on December 9, 2010. This legislation enjoys the support of the entire Ohio delegation to the House.

Mr. Speaker, Emil Bolas dedicated his life to the service of his beloved community of Sharon Township and Medina County, Ohio. As noted in The Medina County Gazette, Mr. Bolas' mission in life was helping people and improving his community.

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, as 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. DRIEHAUS. Mr. Speaker, I appreciate the support of the Buckeyes in this case, and I thank Congressman BOCCIERI for bringing this measure before the House. I again urge my colleagues to join me in supporting this measure.

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. 4602.

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.

JAMES M. 'JIMMY' STEWART POST OFFICE BUILDING

Mr. DRIEHAUS. 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''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5606

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

SECTION 1. JAMES M. "JIMMY" STEWART POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, shall be known and designated as the ''James M. 'Jimmy' Stewart Post Office Building''.

(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 ''James M. 'Jimmy' Stewart Post Office Building''.

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 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.

□ 1420

Mr. DRIEHAUS. 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.'' H.R. 5606 was introduced by our colleague, Representative MARK CRITZ of Pennsylvania, on June 25, 2010. It was favorably reported out of the Oversight Government Reform Committee on July 28, 2010. In addition, this legislation enjoys the support of the entire Pennsylvania House delegation.

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,'' which portrays the experience of a young senator learning the ropes in Washington. The film was a great success and was nominated for 11 Academy

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 was eventually promoted to the rank of captain and commanded the 703rd 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 Vietnam War.

In 1989, Mr. Stewart became a cofounder 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 postal facility 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. 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 I think it 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 Indiana, 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 1938 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, becoming the first major American movie star to wear the uniform during the war. After the Japanese attacked Pearl Harbor, he helped with recruiting efforts, and in 1944 he was sent to Europe where he participated in 20 air missions over Nazi Germany. 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 nonduty adviser and retired in 1968, after 27 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 1991, after providing the voice for Sheriff Wylie Burp in ''An American Tail: Feivel 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.

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. 5606.

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.

GEORGE C. MARSHALL POST OFFICE

Mr. DRIEHAUS. 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''.

(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 ''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 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. 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.

Marshall resigned his post of Chief of Staff of the Army in 1945 and devoted himself to international security and peace. Between 1945 and 1946, he served

as the envoy for President Truman in China to peacefully resolve a conflict between the nationalists and the communists. President Truman appointed him as Secretary of State in 1947, where he oversaw the Marshall Plan, the $13 billion economic recovery plan that was instrumental in the rebuilding of Europe. For his efforts, Marshall received the Nobel Peace Prize. He retired from the State Department in 1949 and became the president of the American Red Cross. In 1950, President Truman appointed Marshall Secretary of Defense. During his tenure he oversaw the formation of a United Nations international force that turned back the North Korean invasion of South Korea. He retired from public life in 1951 and passed away on October 16, 1959.

Mr. Speaker, George C. Marshall had a profound impact on the 20th century, not only here in the United States, but across the globe. This year we celebrate the 130th anniversary of his birth, and renaming his hometown post office is a fitting and worthy tribute to this great soldier, general, secretary and true American statesman.

I urge my colleagues to support this bill.

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

At this time I would like to yield to the gentlelady from North Carolina.

□ 1430

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 a great deal of recognition during his lifetime. 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. Yet our colleagues across the aisle, 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 adjourn this week 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 your 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.

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 for the week. This is an 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. BILBRAY. I yield myself such time as I may consume.

Mr. Speaker, Mr. Marshall was not a perfect man. He made mistakes. Those of us who have studied history know the fact is anyone who does very much is going to make mistakes; but Marshall, obviously, was a very, very noted figure in history.

I think, if nothing else, when we talk about naming something after someone, we have got to remember we are not doing it for that person. We are not honoring that person as much as we are inspiring future generations to try to live up to an idea. So even though Mr. Marshall might have made mistakes and was flawed, overall he is still a role model to present for future generations.

I am not going to ask how old the Speaker was in 1959, Mr. Speaker, but the fact is Mr. Marshall passed away. It is sad that we have waited this long and that so many generations have grown up in this community who have not recognized that Marshall was a hometown boy. Maybe every time, in having gone to the post office, some grade school child might have been able to have been inspired to think big, to have tried harder—and, yes, even having failed sometimes.

As we go through all of these consent items, one of the things I would ask us to consider is, as I am sure the gentlewoman from North Carolina has said: What about the things that we aren't doing? We have got to recognize that. A lot of the frustration out there is that we are naming a lot of post offices. Yet I think this one is appropriate.

As my cousin says, who is actually a former Democratic Congressman from Las Vegas and a member of the commission that handles these post offices, if we don't get together in Washington and talk about how we are going to continue to provide the money and the resources to keep these post offices open, we will have the right to name them, but will they be around to inspire future generations? Will our actions actually have the staying power if we don't talk about those tough things like the budget, like the financial crisis, and like many other things that we have basically swept under the rug?

I think that this is an appropriate bill at this time, but there is the frustration that we are doing these bills again and again and again; and it seems we are not addressing or finding bipartisan support on a lot of other things that the American people would like to look at, which is why I brought up Mr. KING's bill, because it is one of those little things that, too bad, sadly, leadership will not consider.

I mean, we just had a case last week. Rather than talking about eliminating the tax deduction for the employers of illegal immigrants, they had a comedian at a hearing, and I think a lot of people were very embarrassed—Democrats and Republicans. I guess, if there were a bipartisan response last week, it was: My God, have we allowed things to get to this point? I appreciate good comedy, obviously, while serving in Congress, but I think that there are mistakes we have made.

This bill should pass, but, sadly, we should be talking about a lot of other issues that are not even allowed to come to the floor, Mr. Speaker, which the American people want us to work on. I hope that we will be able to get leadership, especially the majority, to sit down with the minority and to ask, Okay, where are those substantive issues that we can agree on? and do that. There are little things that could make a lot of difference, like Mr. KING's bill, which would eliminate the tax deduction for people who are exploiting illegal labor.

At this time, again, I would support the bill.

I yield back the balance of my time.

Mr. DRIEHAUS. Mr. Speaker, again, I thank the gentleman for his support in the legislation before us. I urge my colleagues to join me in supporting this measure.

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. 5605.

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.

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,

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 will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

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, 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 Arkansas 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 58 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.

□ 1440

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. 3751. 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 minds 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 Homeric 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 members of the United States Armed Forces have played and continue to play a critical economic, cultural, and societal 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 history of the 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.

GENERAL LEAVE

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, a resolution supporting 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 our history, and our military has always had a critical role in our history.

For all that they've done for our Nation, our soldiers, sailors, airmen, guardians, and marines deserve our appreciation and respect. 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. BILBRAY. Mr. Speaker, at this time I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. 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, H. 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 this 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 1954, and now on 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 passage of this resolution, H. Res. 1442, a month each year to highlight our Armed Forces will hopefully encourage Americans to learn, remember, and appreciate the sacrifices of the men and women who serve.

It is often said that a nation which forgets its own history does so at its peril. This resolution is a fitting and appropriate way to honor our past and especially the extremely important role the U.S. military has played in that history.

I have submitted this resolution at the request of one of my constituents, Mr. Ed Hooper, a great military historian; and this is very appropriate, too, because it shows that legislation often does not emanate from Washington but, really, comes from the ground up, from the people that we represent. This is truly the American way to do legislation, and I urge all of my colleagues to support this resolution to designate November as Military History Month in this Nation.

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

Mr. Speaker, as the Representative from San Diego, a community that knows a little bit about the military, one of the largest military complexes in the world, I am very honored to support this motion by the gentleman from Tennessee and want to thank him for that. Not only do I have the privilege of representing a community that is steeped in military history that goes, in fact, all the way back to our founding by Cabrillo, a military man in service of Spain, but also the fact of being raised—not only raised in a military family but born on a military base. So those of us from San Diego know exactly how deeply the roots of the military go as free Americans and as those who do not question the perception that service, as George Washington said, is always the highest honor and the greatest contribution.

Mr. Speaker, I just have to say that I'm sorry that some are not here to see Congress finally take up this item, and I think the gentleman from Tennessee should be commended, and I think the majority should be thanked for allowing the gentleman from Tennessee to bring this bill up for consideration, something I hope to see more of.

I wish that my parents were alive today, parents that not only was he at Pearl Harbor on his birthday, at Leyte Gulf, and at Inchon, but also, more importantly, something we don't think about the military, and that's from my mother's side, of the people around the world like my mother, that in the 1940s in Australia was watching the Japanese empire threaten to conquer her hometown of Brisbane, and the Yanks showed up in time to be able to save them from the tyranny of fascism.

I think that too often when we talk about things like the service in the military, we think only of service to those of us who are Americans; but recognizing that the American military is not only not a threat to the rest of the world, 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 do not go to conquer and to oppress; and that is something 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 is on the motion offered by the gentleman from Ohio (Mr. DRIEHAUS) that the House suspend the rules and agree to the resolution, H. Res. 1442.

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.

□ 1450

CONGRATULATING THE WASHINGTON STEALTH

Ms. CHU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1546) congratulating the Washington Stealth for winning the National Lacrosse League Championship, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1546

Whereas, on May 15, 2010, the Washington Stealth defeated Toronto Rock 15 to 11 in the National Lacrosse League Championship in Everett, Washington;

Whereas the Stealth franchise won the Western Division during the regular season with a NLL-best 11 and 5 record, capturing the Western Divisional Championship by defeating the Edmonton Rush;

Whereas the 2010 National Lacrosse League Championship game was sold out and 8,609 people watched the game at the Comcast Arena in Everett, Washington;

Whereas this was the Washington Stealth's first season in Everett, Washington, after spending 6 seasons in San Jose, California;

Whereas Washington Stealth led the National Lacrosse League in goal-scoring with 211 goals in 16 regular season games;

Whereas team member Lewis Ratcliff was the league's top goal-scorer with 46 goals and earned the Championship Game MVP honors after scoring 5 goals during the championship game;

Whereas David Takata, President of Washington Stealth, has been named the National Lacrosse League's Executive of the Year;

Whereas Chris Hall, Head Coach of Washington Stealth, has been named the National Lacrosse League's Coach of the Year;

Whereas Forwards Lewis Ratcliff and Rhys Duch have earned the honor of Second Team All-Pro;

Whereas Defenseman Matt Beers earned the honor of All-Rookie Team;

Whereas Lacrosse is one of America's fastest-growing sports;

Whereas the National Lacrosse League has 11 teams throughout North America;

Whereas the National Lacrosse League's West Division includes the Washington Stealth, Colorado Mammoth, Minnesota Swarm, Edmonton Rush, and Calgary Roughnecks;

Whereas the National Lacrosse League's East Division includes the Toronto Rock, Boston Blazers, Rochester Knighthawks, Buffalo Bandits, Orlando Titans, and Philadelphia Wings;

Whereas 2010 marked the National Lacrosse League's 24th season; and

Whereas over 1,000,000 fans enter the doors of the National Lacrosse League arenas on a yearly basis: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Washington Stealth for winning the National Lacrosse League Championship; and

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the victory.

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.

GENERAL LEAVE

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 gentlewoman from California?

There was no objection.

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

On behalf of the Committee on Oversight and Government Reform, I present House Resolution 1546 for consideration. This measure congratulates the Washington Stealth for winning the National Lacrosse League championship.

Mr. Speaker, lacrosse is among the Nation's fastest-growing sports, and its origins on this continent are centuries old. I am, therefore, very glad that we can congratulate the Washington Stealth on their victory in the National Lacrosse League championship earlier this year.

House Resolution 1546 was introduced by our colleague, the gentleman from Washington, Representative Jay Inslee, on July 21, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on July 28, 2010. It enjoys the support of over 50 Members of the House.

Mr. Speaker, let us now take time to congratulate the Washington Stealth and the entire team organization on a historic championship through the passage of House Resolution 1546. I urge my colleagues to join me in supporting it.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, the minority will support this bill. And, as pointed out by the gentlelady, this is probably—in fact, I would kind of challenge my own history background—the only general sport that has its origin from the New World. Lacrosse was actually a training device by American Indians to be able to train their young, sadly, for war. But it is a sport now that obviously may look a lot like a violent confrontation but is actually a very, very competitive sport, especially out here in the East.

I appreciate the fact that we are recognizing the Washington Stealth. They must live up to their name. A lot of us have not heard of them before. But I, representing the minority, will accept the motion and will support it, Mr. Speaker.

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 agree to the resolution, H. Res. 1546, 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. 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 1960;

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; and

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, British Columbia;

(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 gentlewoman from California (Ms. CHU) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

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 gentlewoman 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 reported favorably by unanimous consent on July 28, 2010. The measure enjoys the support of over 50 cosponsors. I would like to thank the gentleman from New Jersey for introducing this measure, and I would also like to enter into the RECORD an exchange of letters between our committee, the Committee on Oversight and Government Reform, and the House Committee on Foreign Affairs, which expresses Chairman BERMAN's and the Foreign Affairs Committee's support of House Resolution 1479 and waives their jurisdictional interest in this bill.

Mr. Speaker, the Olympic Games promote ideals of fair sportsmanship, fair play, physical fitness, and peace through sport. The Paralympics ensures that athletes with physical disabilities can take part in these games, representing our Nation on the world stage.

There are over 21 million Americans with a physical disability, including thousands of men and women who sustained serious injuries while serving in the military. I am glad that they have the opportunity to represent our country by taking part in these games. Let us now honor these athletes and recognize their achievements through the passage of House Resolution 1479, and I urge my colleagues to join me in supporting it.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, September 21, 2010.

Hon. EDOLPHUS TOWNS,
Chairman, Committee on Oversight and Government Reform, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN TOWNS: I am writing to you concerning 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.

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 for consideration of such provisions 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 waive 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,

HOWARD L. BERMAN,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, September 22, 2010.

Hon. HOWARD BERMAN,
Chairman, Committee on Foreign Affairs, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BERMAN: 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 in the House.

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 took him to a sled hockey game 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 successfully made 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.

□ 1500

These athletes are 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 Congressman 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 him 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's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

DOROTHY I. HEIGHT POST OFFICE BUILDING

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. 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.

GENERAL LEAVE

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 gentlewoman from California?

There was no objection.

Ms. CHU. 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 this bill. Ms. Height actually had bipartisan support in her life. She got an award from one of the greatest, Ronald Reagan, and one of the more recent, Bill Clinton. And I think that in that spirit we should try, in a bipartisan effort, to support this bill.

Ms. PELOSI. Mr. Speaker, I rise today in strong support of this legislation naming a post office in Washington, D.C. after the godmother of the civil rights movement and a champion of social justice: Dr. Dorothy I. Height.

I thank Congresswoman ELEANOR HOLMES NORTON for providing us with the opportunity to honor Dr. Height's commitment and compassion, grace and patriotism.

In her memoir, ''Open Wide the Freedom Gates,'' Dr. Height wrote, ''It is in the neighborhood and communities where the world begins. That is where children grow and families are developed, where people exercise the power to change their lives.''

Today, we have the opportunity to ensure that Dr. Height's name will live on in the neighborhoods and communities of our nation's capital. And when we do so, we will have named the first public building in Washington's history after an African American woman.

I think it is particularly appropriate that the Dorothy I. Height Post Office Building will be just four blocks from the United States Capitol—where Dr. Height tirelessly lobbied on behalf of social justice, human rights, and equality. It is almost as if she is keeping a watchful eye over us.

Men and women of every race and faith are heirs to the work, passion, and legacy of Dorothy Height. Together, we must continue to help build the America that Dr. Height envisioned: a nation defined by equality, shaped by civil rights, and driven by the pursuit of justice for all.

Hundreds of people came to the Washington National Cathedral to pay their last respects to Dr. Height—ordinary residents of the nation's capital, dignitaries, and even the President of the United States. As President Barack Obama said that day, ''May God bless Dr. Dorothy Height and the union that she made more perfect''

I urge my colleagues to join me in making our union more perfect by honoring Dr. Height today.

Ms. NORTON. Mr. Speaker, I would like to thank Chairman TOWNS for moving my bill to designate the facility of the United States Postal Service located at 21 Massachusetts Avenue, NE in Washington, D.C., as the ''Dorothy I. Height Post Office'' through committee, and Speaker PELOSI and Majority Leader HOYER for bringing it to the House floor.

Dr. Dorothy I. Height, the longtime president of the National Council of Negro Women who died this year, was never a public official, but she spent her life in service of African Americans, especially African American women, and in service of the people of the United States of America. So strong was the power of her example that she was a role model to generations of women beyond her reach. Dorothy Height was a visionary and a civil rights leader known as the ''Godmother of the Civil Rights Movement.'' She championed countless efforts for basic justice in our country, particularly equal rights for women and people of color, from equal pay to the integration of the nation's governmental institutions and its societal norms.

Dr. Height was recognized with virtually every significant national honor, from the NAACP Spingarn Medal to the Presidential Medal of Freedom and the Congressional Gold Medal. Dorothy Height was also a proponent of strong family life, and organized the annual Black Family Reunion, which is held yearly. The Black Family Reunion for this region was held on Saturday, September 11, 2010, on the National Mall and is an African-American celebration held throughout the nation during the summer.

Please join me in honoring Dr. Height's immensely productive and impactful life by designating 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.''

I urge my colleagues to support this bill.

Mr. BILBRAY. Mr. Speaker, 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 pass the bill, H.R. 6118, 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. 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 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 purpose 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 motherhood 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 Veterans 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 Representatives—

(1) supports the goals and purpose of Gold Star Mothers Day, which is observed in remembrance 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 proclamation 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 gentlewoman from California.

GENERAL LEAVE

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 gentlewoman from California?

There was no objection.

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

Mr. Speaker, I rise in support of House Resolution 1617, a measure supporting the goals and ideals of Gold Star Mothers Day, observed each September in remembrance of the supreme sacrifice made by mothers who lose a son or a daughter serving in the Armed Forces.

H. Res. 1617 was introduced by our colleague gentleman from California, Representative PETER ROSKAM 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. The measure enjoys the support of over 50 members of the House.

We here in the House of Representatives regularly take time to honor our brave men and women serving in the armed services, particularly those who have made the ultimate sacrifice in the line of duty. With so many putting themselves in harm's way, I'm very pleased that we can make it a priority to keep them and their families in our thoughts and prayers. The American Gold Star Mothers are a group of women who have all lost a son or daughter serving in the Armed Forces, and today we honor their sacrifice. The Gold Star Mothers provide services and comfort to their members, assist veterans in presenting claims to the VA, and host a number of events throughout the year to show support for our military. We thank them for all they do for our troops and our veterans.

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 before, 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 allowing 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 willing 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.

SUPPORTING NATIONAL CRANIOFACIAL 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 read 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 Representatives 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 gentlewoman from California.

□ 1510

GENERAL LEAVE

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 gentlewoman from California?

There was no objection.

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 colleague, the gentleman 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 over 70 members of the House.

Mr. Speaker, there are 100,000 children born each year in the United States with a craniofacial anomaly 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 approve it. I appreciate the fact that we are able to consider the item at this time.

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 agree to the resolution, H. Res. 1603.

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.

AMENDING RULE ON FIREFIGHTER OVERTIME PAY

Ms. CHU. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3243) to amend section 5542 of title 5, United States Code, to provide that any hours worked by Federal firefighters under a qualified trade-of-time arrangement shall be excluded for purposes of determinations relating to overtime pay.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3243

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

SECTION 1. TREATMENT OF HOURS WORKED UNDER A TRADE-OF-TIME ARRANGEMENTS.

Section 5542 of title 5, United States Code, is amended by adding at the end the following:

''(g)(1) Notwithstanding any other provision of this section, any hours worked by a firefighter under a qualified trade-of-time arrangement shall be disregarded for purposes of any determination relating to eligibility for or the amount of any overtime pay under this section.

''(2) For purposes of this section—

''(A) the term 'qualified trade-of-time arrangement' means an arrangement under which 2 firefighters who are employed by the same agency agree, solely at their option and with the approval of their employing agency, to substitute for one another during scheduled work hours in performance of work in the same capacity; and

''(B) the term 'firefighter' has the meaning given such term by sections 8331(21) and 8401(14), respectively.''.

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.

GENERAL LEAVE

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. Is there objection to the request of the gentlewoman from California?

There was no objection.

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 grants more leave flexibility 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 at the discretion of 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.

Mr. Speaker, we have a substantive bill here, and I appreciate the leadership bringing it up in the committee we are working on.

One of the things we haven't done enough on Government Oversight, and I think the American people say we haven't done enough as a Congress as a whole, is to look at those things that we are doing in the government that are not efficient, not effective, and, frankly, can be very wasteful not just of the taxpayers' money but in their time.

This bill is a commonsense approach. It changes the accounting process and really makes the system much more user friendly for those who are serving.

As the lady from California pointed out, those of us from California know how important the Federal firefighters can be. We just recently had massive fires break out again, and we are sadly looking forward to another season that could be very, very damaging. These firefighters are not just those covering military installations but actually protect homes throughout the country, especially in those fire-prone areas such as California.

I would again just say that I think this is appropriate. It is those little things that add up that the American people have been asking us to do more of, and I think this is one of those bipartisan issues. We can go back to our districts and say there is a lot of stuff we haven't done, we really need to do more, but at least we got together and got this item done. And this item could not only save money but may be able to make the system work efficiently.

Mr. LYNCH. Mr. Speaker, as Chairman of 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 fire fighters to trade shifts with each other, without triggering required overtime payments from their employing agencies. Notably, state and municipal fire fighters have long been able to swap shifts, or to exchange time, and still be paid according to the original work schedule. Such workplace flexibility aids in boosting employee morale and increases overall retention rates, without costing these local and state governments any additional money.

The Sarbanes bill simply amends title 5 by excluding trade time from the calculation of overtime pay for federal fire fighters. Clearly, it will still be up to the agency—such as the Department of Defense—to approve the request to switch schedules. The bill's enactment will actually save federal agencies money, because under current law, agencies must at times pay overtime for fill-in workers. However, under this legislation, these entities will now have employees voluntarily agreeing to work shifts without overtime being required.

Again, extending a small amount of scheduling flexibility to our federal fire fighters—that neither increases agency costs nor reduces manpower—is the right thing to do. Moreover, the bill's enactment will increase the attractiveness of federal fire fighters positions,

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 Boston Local 718.

I also want 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. BILBRAY. 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. 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.

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:

''(h)(1)(A) In the case of an eligible candidate, the Administrator—

''(i) shall notify the candidate of the candidate's right to receive the services and facilities described in paragraph (2) and shall provide with such notice a description of the nature and scope of each such service and facility; and

''(ii) upon notification by the candidate of which such services and facilities such candidate will accept, shall, notwithstanding subsection (b), provide such services and facilities to the candidate during the period beginning on the date of the notification and ending on the date of the general elections described in subsection (b)(1).

The Administrator shall also notify the candidate that sections 7601(c) and 8403(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 provide additional services.

''(B) The Administrator shall provide the notice under subparagraph (A)(i) to each eligible candidate—

''(i) in the case of a candidate of a major party (as defined in section 9002(6) of the Internal Revenue Code of 1986), on one of the first 3 business days following the last nominating convention for such major parties; and

''(ii) in the case of any other candidate, as soon as practicable after an individual becomes an eligible candidate (or, if later, at the same time as notice is provided under clause (i)).

''(C)(i) The Administrator shall, not later than 12 months before the date of each general election for President and Vice-President (beginning with the election to be held in 2012), prepare a report summarizing modern presidential transition activities, including a bibliography of relevant resources.

''(ii) The Administrator shall promptly make the report under clause (i) generally available to the public (including through electronic means) and shall include such report with the notice provided to each eligible candidate under subparagraph (A)(i).

''(2)(A) Except as provided in subparagraph (B), the services and facilities described in this paragraph are the services and facilities described in subsection (a) (other than paragraphs (2), (3), (4), (7), and 8(A)(v) thereof), but only to the extent that the use of the services and facilities is for use in connection with the eligible candidate's preparations for the assumption of official duties as President or Vice-President.

''(B) The Administrator—

''(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 offer 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.

''(C) An eligible candidate, or any person on behalf of the candidate, shall not use any services or facilities provided under this subsection other than for the purposes described in subparagraph (A), and the candidate or the candidate's campaign shall reimburse the Administrator for any unauthorized use of such services or facilities.

''(3)(A) Notwithstanding any other provision of law, an eligible candidate may establish a separate fund for the payment of expenditures in connection with the eligible candidate's preparations for the assumption of official duties as President or Vice-President, including expenditures in connection with any services or facilities provided under this subsection (whether before such services or facilities are available under this section or to supplement such services or facilities when so provided). Such fund shall be established and maintained in such manner as to qualify such fund for purposes of section 501(c)(4) of the Internal Revenue Code of 1986.

''(B)(i) The eligible candidate may—

''(I) transfer to any separate fund established under subparagraph (A) contributions (within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8))) the candidate received for the general election for President or Vice-President or payments from the Presidential Election Campaign Fund under chapter 95 of the Internal Revenue Code of 1986 the candidate received for the general election; and

''(II) solicit and accept amounts for receipt by such separate fund.

''(ii) Any expenditures from the separate fund that are made from such contributions or payments described in clause (i)(I) shall be treated as expenditures (within the meaning of section 301(9) of such Act (2 U.S.C. 431(9))) or qualified campaign expenses (within the meaning of section 9002(11) of such Code), whichever is applicable.

''(iii) An eligible candidate establishing a separate fund under subparagraph (A) shall (as a condition for receiving services and facilities described in paragraph (2)) comply with all requirements and limitations of section 5 in soliciting or expending amounts in the same manner as the President-elect or Vice-President-elect, including reporting on the transfer and expenditure of amounts described in subparagraph (B)(i) in the disclosures required by section 5.

''(4)(A) In this subsection, the term 'eligible candidate' means, with respect to any presidential election (as defined in section 9002(10) of the Internal Revenue Code of 1986)—

''(i) a candidate of a major party (as defined in section 9002(6) of such Code) for President or Vice-President of the United States; and

''(ii) any other candidate who has been determined by the Administrator to be among the principal contenders for the general election to such offices.

''(B) In making a determination under subparagraph (A)(ii), the Administrator shall—

''(i) ensure that any candidate determined to be an eligible candidate under such subparagraph—

''(I) meets the requirements described in Article II, Section 1, of the United States Constitution for eligibility to the office of President;

''(II) has qualified to have his or her name appear on the ballots of a sufficient number of States such that the total number of electors appointed in those States is greater than 50 percent of the total number of electors appointed in all of the States; and

''(III) has demonstrated a significant level of public support in national public opinion polls, so as to be realistically considered among the principal contenders for President or Vice-President of the United States; and

''(ii) consider whether other national organizations have recognized the candidate as being among the principal contenders for the general election to such offices, including whether the Commission on Presidential Debates has determined that the candidate is eligible to participate in the candidate debates for the general election to such offices.''.

(b) ADMINISTRATOR REQUIRED TO PROVIDE TECHNOLOGY COORDINATION UPON REQUEST.—Section 3(a)(10) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended to read as follows:

''(10) Notwithstanding subsection (b), consultation by the Administrator with any President-elect, Vice-President-elect, or eligible candidate (as defined in subsection (h)(4)) to develop a systems architecture plan for the computer and communications systems of the candidate to coordinate a transition to Federal systems if the candidate is elected.''.

(c) COORDINATION WITH OTHER TRANSITION SERVICES.—

(1) SECURITY CLEARANCES.—Section 7601(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b note) is amended—

(A) by striking paragraph (1) and inserting:

''(1) DEFINITION.—In this section, the term 'eligible candidate' has the meaning given such term by section 3(h)(4) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note).'', and

(B) by striking ''major party candidate'' in paragraph (2) and inserting ''eligible candidate''.

(2) PRESIDENTIALLY APPOINTED POSITIONS.—Section 8403(b)(2)(B) of such Act (5 U.S.C. 1101 note) is amended to read as follows:

''(B) OTHER CANDIDATES.—After making transmittals under subparagraph (A), the Office of Personnel Management shall transmit such electronic record to any other candidate for President who is an eligible candidate described in section 3(h)(4)(B) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) and may transmit such electronic record to any other candidate for President.''.

(d) CONFORMING AMENDMENTS.—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) in subsection (a)(8)(B), by striking ''President-elect'' and inserting ''President-elect or eligible candidate (as defined in subsection (h)(4)) for President''; and

(2) in subsection (e), by inserting '', or eligible candidate (as defined in subsection (h)(4)) for President or Vice-President,'' before ''may designate''.

SEC. 3. AUTHORIZATION OF TRANSITION ACTIVITIES BY THE INCUMBENT ADMINISTRATION.

(a) IN GENERAL.—The President of the United States, or the President's delegate, may take such actions as the President determines necessary and appropriate to plan and coordinate activities by the Executive branch of the Federal Government to facilitate an efficient transfer of power to a successor President, including—

(1) the establishment and operation of a transition coordinating council comprised of—

(A) high-level officials of the Executive branch selected by the President, which may include the Chief of Staff to the President, any Cabinet officer, the Director of the Office of Management and Budget, the Administrator of the General Services Administration, the Director of the Office of Personnel Management, the Director of the Office of Government Ethics, and the Archivist of the United States, and

(B) any other persons the President determines appropriate;

(2) the establishment and operation of an agency transition directors council which includes career employees designated to lead transition efforts within Executive Departments or agencies;

(3) the development of guidance to Executive Departments and agencies regarding briefing materials for an incoming administration, and the development of such materials; and

(4) the development of computer software, publications, contingency plans, issue memoranda, memoranda of understanding, training and exercises (including crisis training and exercises), programs, lessons learned from previous transitions, and other items appropriate for improving the effectiveness and efficiency of a Presidential transition that may be disseminated to eligible candidates (as defined in section 3(h)(4) of the Presidential Transition Act of 1963, as added by section 2(a)) and to the President-elect and Vice-President-elect.

Any information and other assistance to eligible candidates under this subsection shall be offered on an equal basis and without regard to political affiliation.

(b) REPORTS.—

(1) IN GENERAL.—The President of the United States, or the President's delegate, shall provide to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate reports describing the activities undertaken by the President and the Executive Departments and agencies to prepare for the transfer of power to a new President.

(2) TIMING.—The reports under paragraph (1) shall be provided six months and three months before the date of the general election for the Office of President of the United States.

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.

GENERAL LEAVE

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. Is there objection to the request of the gentlewoman from California?

There was no objection.

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

I rise in strong support of Senate Bill 3196, the Pre-Election Presidential Transition Act of 2010. This bipartisan legislation makes important improvements to the Presidential Transition Act of 1963 to better equip qualified candidates to prepare, and prepare earlier, for the all-too-short process of transitioning from running a campaign to running the executive branch of the United States.

As the non-partisan Partnership for Public Service has warned, ''Given the complexity and urgency of issues facing an incoming administration in a post–9/11 world, we need our president and his senior leadership to be ready to govern on day one. An effective transition relies on advance preparation and skillful execution, not hope and luck.''

S. 3196 takes important steps to help future Presidents with the transition process, and therefore helps them to navigate and prepare for governing in an increasingly complex world.

The Pre-Election Presidential Transition Act will make the decision to undertake transition planning easier by providing resources to qualified candidates. The bill requires GSA to offer each candidate an array of services promptly upon nomination, including fully equipped office space, communication services, briefings, and training. Candidates will also be authorized to establish a separate 501(c)(4) fund to cover transition-related expenses or to supplement GSA's services.

The bill also authorizes the appropriation of funds for use by the outgoing Administration to plan and coordinate activities to facilitate an efficient transfer of power. This follows the model put in place by the Bush Administration, 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 KAUFMAN for his leadership 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 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.

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, S. 3196.

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.

SECURITY COOPERATION ACT OF 2010

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill

(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''.

TITLE I—DEFENSE TRADE COOPERATION TREATIES

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 ''EXCEPTION''; and

(2) by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR DEFENSE TRADE COOPERATION TREATIES.—

''(i) IN GENERAL.—The requirement to conclude a bilateral agreement in accordance with subparagraph (A) shall not apply with respect to an exemption from the licensing requirements of this Act for the export of defense items to give effect to any of the following defense trade cooperation treaties, provided that the treaty has entered into force pursuant to article II, section 2, clause 2 of the Constitution of the United States:

''(I) 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, done at Washington and London on June 21 and 26, 2007 (and any implementing arrangement thereto).

''(II) 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).

''(ii) LIMITATION OF SCOPE.—The United States shall exempt from the scope of a treaty referred to in clause (i)—

''(I) complete rocket systems (including ballistic missile systems, space launch vehicles, and sounding rockets) or complete unmanned aerial vehicle systems (including cruise missile systems, target drones, and reconnaissance drones) capable of delivering at least a 500 kilogram payload to a range of 300 kilometers, and associated production facilities, software, or technology for these systems, as defined in the Missile Technology Control Regime Annex Category I, Item 1;

''(II) individual rocket stages, re-entry vehicles and equipment, solid or liquid propellant motors or engines, guidance sets, thrust vector control systems, and associated production facilities, software, and technology, as defined in the Missile Technology Control Regime Annex Category I, Item 2;

''(III) defense articles and defense services listed in the Missile Technology Control Regime Annex Category II that are for use in rocket systems, as that term is used in such Annex, including associated production facilities, software, or technology;

''(IV) toxicological agents, biological agents, and associated equipment, as listed in the United States Munitions List (part 121.1 of chapter I of title 22, Code of Federal Regulations), Category XIV, subcategories (a), (b), (f)(1), (i), (j) as it pertains to (f)(1), (l) as it pertains to (f)(1), and (m) as it pertains to all of the subcategories cited in this paragraph;

''(V) defense articles and defense services specific to the design and testing of nuclear weapons which are controlled under United States Munitions List Category XVI(a) and (b), along with associated defense articles in Category XVI(d) and technology in Category XVI(e);

''(VI) with regard to the treaty cited in clause (i)(I), defense articles and defense services that the United States controls under the United States Munitions List that are not controlled by the United Kingdom, as defined in the United Kingdom Military List or Annex 4 to the United Kingdom Dual Use List, or any successor lists thereto; and

''(VII) with regard to the treaty cited in clause (i)(II), defense articles for which Australian laws, regulations, or other commitments would prevent Australia from enforcing the control measures specified in such treaty.''.

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, a treaty referred to in subsection (j)(1)(C)(i), 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 an implementing arrangement pursuant to such treaty''.

(b) ENFORCEMENT POWERS OF PRESIDENT.—Section 38(e) of such Act (22 U.S.C. 2278(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:

''(4) Paragraph (2) shall not apply with respect to an exemption under subsection (j)(1) to give effect to a treaty referred to in subsection (j)(1)(C)(i) (and any implementing arrangements to such treaty), provided that the President promulgates regulations to implement and enforce such treaty under this section and section 39.''.

(d) INCENTIVE PAYMENTS.—Section 39A(a) of such Act (22 U.S.C. 2779a(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. CONGRESSIONAL NOTIFICATION.

(a) RETRANSFERS AND REEXPORTS.—Section 3(d)(3)(A) of such Act (22 U.S.C. 2753(d)(3)(A)) is amended by inserting ''or has been exempted from the licensing requirements of this Act pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act where such treaty does not authorize the transfer without prior United States Government approval'' after ''approved under section 38 of this Act''.

(b) DISCRIMINATION.—Section 5(c) of such Act (22 U.S.C. 2755(c)) is amended by inserting ''or any import or export under a treaty referred to in section 38(j)(1)(C)(i) of this Act'' after ''under this Act''.

(c) ANNUAL ESTIMATE OF SALES.—Section 25(a) of such Act (22 U.S.C. 2765(a)) is amended—

(1) in paragraph (1), by inserting '', as well as exports pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act,'' after ''commercial exports under this Act''; and

(2) in paragraph (2), by inserting '', as well as exports pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act,'' after ''commercial exports''.

(d) PRESIDENTIAL CERTIFICATIONS.—

(1) EXPORTS.—Section 36(c) of such Act (22 U.S.C. 2776(c)) is amended by adding at the end the following new paragraph:

''(6) The President shall notify 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 an export pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act to which the provisions of paragraph (1) of this subsection would apply absent 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.''.

(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:

''(6) The President shall notify 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 an export pursuant to a treaty referred to in section 38(j)(1)(C)(i) of this Act to which the provisions of paragraph (1) of this subsection would apply absent 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.''.

(e) FEES AND POLITICAL CONTRIBUTIONS.—Section 39(a) of such Act (22 U.S.C. 2779(a)) is amended—

(1) in paragraph (1), by striking ''; or'' and inserting a semicolon;

(2) in paragraph (2), by inserting ''or'' after the semicolon; and

(3) by adding at the end the following new paragraph:

''(3) exports of defense articles or defense services pursuant to a treaty referenced in section 38(j)(1)(C)(i) of this Act;''.

SEC. 105. LIMITATION ON IMPLEMENTING ARRANGEMENTS.

(a) IN GENERAL.—No amendment to an implementing arrangement concluded 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 United States unless the Congress adopts, and there is enacted, legislation approving the entry into effect of that amendment for the United States.

(b) COVERED AMENDMENTS.—

(1) IN GENERAL.—The requirements specified in subsection (a) shall apply to any amendment other than an amendment that addresses an administrative or technical matter. The requirements in subsection (a) shall not apply to any amendment that solely addresses an administrative or technical matter.

(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, paragraphs (1), (2), or (3) that modifies the criteria governing operations, programs, and projects to which the treaty applies;

(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 conditions 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 re-transfer 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 conditions of entry to the United Kingdom community under the treaty.

(3) U.S.-AUSTRALIA 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 Australia Concerning Defense Trade Cooperation, signed at Washington March 14, 2008, amendments to which the requirements specified in subsection (a) apply shall include—

(A) any amendment to section 2, paragraphs (1), (2), or (3) that modifies the criteria governing operations, programs, and projects to which the treaty applies;

(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 criteria for including items on the list of defense articles exempt from the scope of 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 6, paragraph (4) that modifies the criteria for eligibility in the approved community under the treaty for nongovernmental Australian entities and facilities;

(F) any amendment to section 6, paragraph (9) that modifies the conditions for suspending or removing an Australian entity from the Australia community under the treaty;

(G) any amendment to section 6, paragraphs (11), (12), (13), or (14) that modifies the conditions under which individuals may be granted access to defense articles exported under the treaty;

(H) any amendment to section 9, paragraphs (1), (2), (4), (7), or (8) that modifies the circumstances under which United States Government approval is required for the re-transfer or re-export of a defense article, or to exceptions to such requirement; and

(I) any amendment to section 11, paragraph (6) that modifies conditions of entry to the Australian community under the treaty.

(c) CONGRESSIONAL NOTIFICATION FOR OTHER AMENDMENTS TO IMPLEMENTING ARRANGEMENTS.—Not later than 15 days before any amendment to an implementing arrangement to which subsection (a) does not apply shall take effect, the President shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report containing—

(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.

SEC. 106. IMPLEMENTING REGULATIONS.

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, done 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.

SEC. 107. RULE OF CONSTRUCTION.

Nothing in this title, 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, done at Washington and London on June 21 and 26, 2007 (and any implementing arrangement thereto), 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), or in any regulation issued to implement either treaty, shall be construed to modify or supersede any provision of law or regulation other than the Arms Export Control Act (22 U.S.C. 2751 et seq.), as amended by this Act, and the International Traffic in Arms Regulations (subchapter M of chapter I of title 22, Code of Federal Regulations).

TITLE II—AUTHORITY TO TRANSFER NAVAL VESSELS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Naval Vessel Transfer Act of 2010''.

SEC. 202. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) INDIA.—To the Government of India, the OSPREY class minehunter coastal ships KINGFISHER (MHC–56) and CORMORANT (MHC–57).

(2) GREECE.—To the Government of Greece, the OSPREY class minehunter coastal ships OSPREY (MHC–51), BLACKHAWK (MHC–58), and SHRIKE (MHC–62).

(3) CHILE.—To the Government of Chile, the NEWPORT class amphibious tank landing ship TUSCALOOSA (LST–1187).

(4) MOROCCO.—To the Government of Morocco, the NEWPORT class amphibious tank landing ship BOULDER (LST–1190).

(b) TRANSFER BY SALE.—The President is authorized to transfer the OSPREY class minehunter coastal ship ROBIN (MHC–54) to the Taipei Economic and Cultural Representative Office of the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a)) on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis 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))).

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of the recipient, performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) 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—

(1) in sections 3(d)(2)(B), 3(d)(3)(A)(i), 3(d)(5), 21(e)(2)(A), 36(b), 36(c), 36(d)(2)(A), 62(c)(1), and 63(a)(2), by inserting ''Israel,'' before ''or New Zealand'' each place it appears; and

(2) in section 3(b)(2), by inserting ''the Government of Israel,'' before ''or the Government of New Zealand''.

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. 1011) is amended by striking ''more than 4 years after'' and inserting ''more than 8 years after''.

(b) FOREIGN ASSISTANCE ACT OF 1961.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking ''fiscal years 2007 and 2008'' and inserting ''fiscal years 2011 and 2012''.

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

The Chair recognizes the gentleman from California (Mr. BERMAN).

□ 1520

GENERAL LEAVE

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 strong 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 implementing legislation for the defense trade treaties between the United States and two of our closest allies, the United Kingdom and Australia, respectively. These treaties will 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, this 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 action on this item. Let me just 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 bill in this forum. 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 closer than others, 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 control that time.

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 asked and was given permission to revise and extend his remarks.)

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 respectively. 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 treaties will establish 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. BERMAN. 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. BERMAN) 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. BERMAN. 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 minor children in Japan, to 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 in the United States, to provide left-behind parents immediate access to their children, and to adopt without delay the 1980 Hague Convention on the Civil Aspects of International Child Abduction, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1326

Whereas Japan is an important partner with the United States and shares interests in the areas of economy, defense, global peace and prosperity, and the protection of the human rights of the two nations' respective citizens in an increasingly integrated global society;

Whereas the Government of Japan acceded in 1979 to the International Covenant on Civil and Political Rights that states ''States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children [Article 23]'';

Whereas since 1994, the Office of Children's Issues (OCI) at the United States Department of State had opened over 214 cases involving 300 United States citizen children abducted to or wrongfully retained in Japan, and as of September 17, 2010, OCI had 95 open cases involving 136 United States citizen children abducted to or wrongfully retained in Japan;

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 absence of an immediate civil remedy that as a matter of urgency would enable the expedited return of abducted children to their custodial parent in the United States where appropriate, or otherwise immediately allow access to their United States parent;

Whereas the Government of Japan is the only G-7 country that has not acceded to the Hague Convention;

Whereas the Hague Convention would not apply to most abductions occurring before Japan's ratification of the Hague Convention, requiring, therefore, that Japan create a separate parallel process to resolve the abductions of all United States citizen children who currently remain wrongfully removed to or retained in Japan, including the 136 United States citizen children who have been reported to the United States Department of State and who are being held in Japan against the wishes of their parent in the United States and, in many cases, in direct violation of a valid United States court order;

Whereas the Hague Convention provides enumerated defenses designed to provide protection to children alleged to be subjected to a grave risk of physical or psychological harm in the left-behind country;

Whereas United States laws against domestic violence extend protection and redress to Japanese spouses;

Whereas there are cases of Japanese consulates located within the United States issuing or reissuing travel documents of dual-national children notwithstanding United States court orders restricting travel;

Whereas Japanese family courts may not actively enforce parental access and joint custody arrangements for either a Japanese national or a foreigner, there is little hope for children to have contact with the non-custodial parent;

Whereas the Government of Japan has not prosecuted an abducting parent or relative

criminally when that parent or relative abducts the child into Japan, but has prosecuted cases of foreign nationals removing Japanese children from Japan;

Whereas according to the United States Department of State's April 2009 Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction, abducted children are at risk of serious emotional and psychological problems and have been found to experience anxiety, eating problems, nightmares, mood swings, sleep disturbances, aggressive behavior, resentment, guilt, and fearfulness, and as adults may struggle with identity issues, their own personal relationships, and parenting;

Whereas left-behind parents may encounter substantial psychological, emotional, and financial problems, and many may not have the financial resources to pursue civil or criminal remedies for the return of their children in foreign courts or political systems;

Whereas, on October 16, 2009, the Ambassadors to Japan of Australia, Canada, France, Italy, New Zealand, Spain, the United Kingdom, and the United States, all parties to the Hague Convention, called upon Japan to accede to the Hague Convention and to identify and implement measures to enable parents who are separated from their children to establish contact with them and to visit them;

Whereas, on January 30, 2010, the Ambassadors to Japan of Australia, France, New Zealand, the United Kingdom and the United States, the Charges 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 affecting their nationals, 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: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) condemns the abduction and wrongful retention of all children being 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 in a United States court, 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 citizen children alleged to have been wrongfully removed to or retained in Japan and for the immediate establishment of procedures and a timetable for the resolution of existing 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 and amend its consular procedures to ensure that travel documents for children are issued with due consideration to any orders by a court of competent jurisdiction and with notarized signatures from both parents;

(E) calls on Japan to accede to the 1980 Hague Convention on the Civil Aspects of International Child Abduction without delay and to promptly establish judicial and enforcement procedures to facilitate the immediate return of children to their habitual residence and to establish procedures for recognizing rights of parental access; 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; and

(2) it is the sense of the House of Representatives that the United States should—

(A) recognize the issue of child abduction to and retention of United States citizen children in Japan as an issue of paramount importance to the United States within the context of its bilateral relationship with Japan;

(B) work with the Government of Japan to enact consular and passport procedures and legal agreements to prevent parental abduction to and retention of United States citizen children in Japan;

(C) review its advisory services made available to United States citizens domestically and internationally from the Department of State, the Department of Defense, the Department of Justice, and other government agencies to ensure that effective and timely assistance is given to United States citizens in preventing the incidence of wrongful retention or removal of children and acting to obtain the expeditious return of their children from Japan;

(D) review its advisory services for members of the United States Armed Forces, particularly those stationed in Japan by the Department of Defense and the United States Armed Forces, to ensure that preventive education and timely legal assistance are made available; and

(E) call upon 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.

GENERAL LEAVE

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 one, Mr. MORAN of Virginia and Mr. SMITH of New Jersey, are on the floor, both I believe to speak on this resolution.

What it does is it addresses the abduction of American citizen children to Japan, as you might imagine, a very, very important issue for the families involved and for the governments of both the United States and Japan.

Japan is a vital partner and a friend of the United States, but on the issue of international parental child abduction our two countries's viewpoints are substantially different and progress has been painfully slow. Once American children are abducted to Japan, the left-behind parents have little or no access to them, even though their children are dual U.S. and Japanese citizens. Currently there are 136 U.S. citizen children abducted to and held in Japan.

Japan is the only G–7 country that is not a signatory to the Hague Convention that governs international parental child abduction. We urge the Japanese government to ratify the convention as quickly as possible.

The Japanese government also needs to create a process to resolve existing cases of American children who are being held in Japan against the wishes of their parents in the United States, 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.

Our children are the most important and cherished resource, and it is a tragedy for everyone involved when they are taken away and denied access to one of their parents. These children have a right to enjoy the love of both parents and the benefits of both their Japanese and American cultures.

Mr. Speaker, I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all let me thank Chairman BERMAN and ILEANA ROS-LEHTINEN, our Ranking Member, for their leadership in helping to shepherd this legislation to the floor today, and I want to thank my good friend and colleague Mr. MORAN for his sponsorship. I am very proud to join him as the original cosponsor of this very important and very timely resolution.

You know, Mr. Speaker, last year we learned and really the country learned a great deal about this growing problem of international child abduction with the case of David Goldman, whose son was abducted for 5 years at the time, to Brazil. Thankfully, after a full court press, he was not only reunited, but he is now safe, father and son, in New Jersey.

But what we learned, the lessons learned from that, was that far too little has been done to help the other 2,800 American children who have been abducted to foreign countries, often in defiance of court orders that had said you cannot leave.

This resolution that we are considering today, H. Res. 1326, is an urgent

appeal to the government of Japan to end its complicity and/or its indifference to international child abduction.

□ 1530

Frankly, Mr. Speaker, American patience 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 waiting and pleading for action by both the U.S. and the Japanese Government begins.

Patrick Braden is one such father. Mr. Braden took every possible legal precaution to protect his daughter from abduction and to maintain his presence in her life as her father. However, in 2006, Mr. Braden's infant daughter, Melissa, was abducted from her home by her 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 mom and daily worries that his daughter is being abused by a grandparent who has a history of such abuse.

Likewise, Sergeant Michael Elias hopes and waits and pleads with two governments, the U.S. Government and 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 who would become his wife. She came to the United States and they were married in New Jersey in 2005. Jade was born in 2006 and Michael in 2007. Sadly, his wife started an affair while Michael was on active duty in Iraq.

Their marriage came to an end in 2008, 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 reissued Japanese passports for 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 2008. And 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 the mother's selfish 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. France, Canada, Italy, New Zealand, Spain, and the United Kingdom have all repeatedly asked Japan to work with them on returning their abducted children. Japan's inaction on the issue is a thorn in the side of their relations with the entire international community.

Japan's current inaction violates its duties under the International Covenant on Civil and Political Rights Article 23, completely and unjustly ignoring the equal rights of one parent. 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 accessories 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 problems, nightmares, mood swings, 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. TANNER. Mr. Speaker, I am pleased at this time to yield 10 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my friend from Tennessee; I thank my colleague from New Jersey (Mr. SMITH); and, of course, Chairman BERMAN.

Mr. Speaker, the United States and Japan have a strong and critical alliance. It is based on shared 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 since 1994. These American children are 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 family law system, which dates 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.

□ 1540

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 haven 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 heartbreaking abduction stories, and I am 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 any prosecution under U.S. laws 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 from her home in 2006 by her mother and brought to Japan in violation of previous Los Angeles Superior Court orders, which gave both parents access to the child and prohibited international travel with the child by either parent. Yet the mother was able to take the child from the father in violation of court orders, and she is protected by the Japanese Government.

There is the case of Erika Toland, who was abducted in 2003 from Negishi United States Navy Family housing in Yokohama to Tokyo, Japan, by her now-deceased mother. So the mother is deceased, but she is being held by her Japanese maternal grandmother and is denied access by her father. So her father is living and wants to be with his child. The mother is deceased, and he can't even see the child because of the protection provided by the Japanese Government.

There is the case of Isaac and Rebecca Savoie. This was mentioned by Mr. SMITH. They were abducted just last year by their mother in violation of a Tennessee State court order. You shouldn't be messing with Tennessee State courts. In violation of a Tennessee State court order of joint custody and Tennessee statutes, they were taken to Japan. Both children have been denied any communication by and access to their father. So the mother is holding them in Japan, and the father cannot have access to either child even though the court has ordered it.

There is one other case. Again, this is typical of so many other cases—more than 100. Lastly, the Eliases—one child aged 4, the other aged 2. They were 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 they were taken out of the country. The children'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 this year's statistics provided by the U.S. Embassy in Japan, the number of cases of parental child abduction to Japan has doubled in the past 2 years and has more than quadrupled in the past 4 years. The problem of abduction isn't going away. It's only getting worse. These children who have been abducted to Japan have not only lost their previous precious connections with their parents, but they have been deprived of their full heritage, their families and culture.

American parents are calling on the U.S. Government to urgently intervene and to quickly find a diplomatic solution. They have no other voice in this convoluted process. That's what we are asking for. These parents are not going to give up.

I want to thank Chairman BERMAN and particularly two of his staff members, JJ Ong and Jessica Lee, for their tireless efforts; Mr. SMITH and his staff; and my own staff—Tim Aiken, legislative director; Yasmine Taeb; and Shai Tamari. They have worked diligently with these parents. I thank them for their efforts.

I particularly thank the parents who have committed themselves, devoted themselves to reuniting with their children. Who would not do that? That is why this resolution is so important. I trust that it will be passed unanimously.

Mr. SMITH of New Jersey. I yield myself 2 minutes.

Mr. Speaker, after all of the publicity surrounding David Goldman, several people, including Patrick Braden, walked into my office and said that they had been totally frustrated not just by the Japanese Government but, to some extent, by our own.

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 this a 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—he 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 passed away, the man whose son was 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 abducted 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.

□ 1550

That's where those custody issues need to be fought out, not in a land like Japan where abduction is treated with kid gloves and actually embraced. I said previously, ''with indifference.'' Sometimes I wonder if it's indifference

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 wherever and whenever 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 know 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 Japan, as Mr. MORAN and I know so well, nobody comes back.

Our government has to get serious. This resolution puts all of us on record and says we mean business. This is only the first step.

Mr. FALEOMAVAEGA. 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. However, I believe strongly that 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—by cosigning the Chairman'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 a great deal more remains 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 those steps. The letter is detailed and specific. It reflects a willingness by the Government of Japan first to reorganize itself to deal more effectively with this matter and, even more importantly, a clear readiness to take concrete actions to prevent future cases where parents are unable to be with their children.

For these reasons, it is very clear that the Government of Japan is taking seriously the expressions of concern from Members of this body, and I believe those efforts should be recognized.

EMBASSY OF JAPAN,
Washington, DC.

Hon. ENI F.H. FALEOMAVAEGA,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN FALEOMAVAEGA: I am sending this letter under the instruction of Minister for Foreign Affairs of Japan in response to your letter dated April 5th, 2010.

The child custody issues are complex and each parent may claim his/her own assertion. The Government of Japan is making sincere 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.

The officials at the political level in the Ministry of Foreign Affairs are in close contact with their counterparts in the Ministry of Justice to address this issue. As for the Hague Convention, which you also raised in your letter, the Government of Japan is seriously considering the possibility of joining the Convention, and we are accelerating our consideration process, which was initiated by Prime Minister Hatoyama. Aside from the Convention, we are also discussing possible ways for the consular officers of the U.S. in Japan and parents who claim that their children were taken to Japan to have better access to their children.

Please find attached an information sheet that responds to other points referred in your letter. The Ministry will continue to have close consultation with the State Department on this issue. I would appreciate your kind understanding and your support towards our continued efforts.

Identical letters will be sent to each member signatory of your April 5, 2010 letter.

Sincerely,

ICHIRO FUJISAKI,
Ambassador Extraordinary and Plenipotentiary of Japan to the United States of America.

''We understand that your government established a new Office of Child Custody within the Foreign Ministry. We would like to learn more about the new office, including who and how many staff are dedicated to this office; the mission of the office and duties of its staff; and how this new office intends to address the systemic challenges and resolve existing cases of international parental child abduction.''

The Ministry of Foreign Affairs established the Division for Issues related to Child Custody in December 2009. The Division is to supervise various efforts regarding child custody issues within the Ministry of Foreign Affairs.

The Division was established within the Foreign Policy Bureau, which is the head bureau in the Ministry. The Senior Foreign Policy Coordinator is assigned to be the Division's director. Ten staff, including officials of the related divisions, are assigned to the Division and a full time staff was added in May 2010 to strengthen its function.

The Division is closely working with related divisions on major issues related to international child custody. For example, the Division is coordinating following endeavors in the Ministry of Foreign Affairs; considering the possibility of joining the Convention; informing Japanese nationals residing in foreign countries of local laws and regulations; and considering possible measures to facilitate consular visits and child visitations, etc. Also, the Division is working on facilitating discussions with related ministries like the Ministry of Justice, timely explaining developments on international child custody issues to Diet members and liaising with media, etc. The Division is also promoting public awareness on this issue in Japan, and as a part of its exercise, it is cooperating with the Japan Federation of Bar Associations to hold a symposium on the Convention.

Besides the consideration process of the Hague Convention, existing cases of cross-border removal of children have to be addressed, including visitation issues. As a part of such an effort, we established a US-Japan consultative group and started the discussion.

Under the current Japanese legal system, the Japanese government does not have the authority to order or instruct a parent who is alleged to have taken away a child to permit his or her child to meet with the child's other parent, or U.S. consular officers. Meanwhile, regardless of their nationalities, under Japanese law, parents who claim their children were taken improperly may seek redress—including possibly gaining custody of their children and their children's return or asserting other rights regarding their children, like visitations—by availing themselves of established judicial proceedings (conciliation/determination) based on the Domestic Relations Procedure Act. In instances where a party violates an agreement relating to custody or visitation obtained through such proceedings, or does not comply with orders issued in such proceedings which relate to custody, visitation, etc., the aggrieved party may request the family courts to recommend the other parties to fulfill their obligations. Also, although there

are some restrictions from the viewpoint of the child's best interest, the parties may request the family court to force direct compliance or order compulsory payment to enforce an order on return 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 where return of children and visitation were successfully implemented under the current system.

In addition, there have been cases where US embassy or consular officials were unable to resolve child custody matters but sought and received assistance from Ministry of Foreign Affairs of Japan (MOFA). In these instances, 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 measures, including making telephone calls and sending letters. Because parents, children and their families usually have very complicated feelings in such matters, the Ministry's contacts are often rejected at first. However, the MOFA officials make repeated efforts to contact them and to hold sincere talks with them.

In the US-Japan consultative group, we would like to exchange information about the current situation regarding consular visits and child visitations and discuss effective and appropriate means and methods and points to be improved with regard to these systems.

Mr. SMITH of New Jersey. I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1326, 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. MORAN of Virginia. 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.

CALLING ON TURKISH-OCCUPIED CYPRUS TO PROTECT RELIGIOUS ARTIFACTS

Mr. TANNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1631) calling for the protection of religious sites and artifacts from and in Turkish-occupied areas of northern Cyprus as well as for general respect for religious freedom.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1631

Whereas the Government of Turkey invaded the northern area of the Republic of Cyprus on July 20, 1974, and the Turkish military continues to illegally occupy the territory to this day;

Whereas the Church of Cyprus has filed an application against Turkey with the European Court of Human Rights for violations of freedom of religion and association as Greek Cypriots in the occupied areas are unable to worship freely due to the restricted access to religious sites and continued destruction of the property of the Church of Cyprus;

Whereas according to the United Nations-brokered Vienna III Agreement of August 2, 1975, ''Greek-Cypriots in the north of the island are free to stay and they will be given 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 Cypriots and Maronites living 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 inexorably, with the passage of time, the communities would cease to exist.'';

Whereas the very future and existence of historic Greek Cypriot, Maronite, and Armenian communities are now in grave danger of extinction;

Whereas the Abbot of the Monastery of the Apostle Barnabas is routinely denied permission to hold services or reside in the monastery of the founder of the Church of Cyprus and the Bishop of Karpass 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, Armenians 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 at a hearing held on July 21, 2009, entitled ''Cyprus' Religious Cultural Heritage in Peril'' by the U.S. Helsinki Commission, Michael Jansen provided testimony detailing first-hand accounts of Turkish soldiers throwing icons from looted churches onto burning pyres during the Turkish invasion and provided testimonies of how churches were left open to both looters and vandals with nothing done to secure the religious sites by the Turkish forces occupying northern Cyprus;

Whereas Dr. Charalampos G. Chotzakakoglou also provided testimony to the U.S. Helsinki Commission that around 500 churches, monasteries, cemeteries, and other religious sites have been desecrated, pillaged, looted, and destroyed, including one Jewish cemetery;

Whereas 80 Christian churches have been converted into mosques, 28 are being used by the Turkish army as stores and barracks, 6 have been turned into museums, and many others are used for other nonreligious purposes such as coffee shops, hotels, public baths, nightclubs, stables, cultural centers, theaters, barns, workshops, and one is even used as a mortuary;

Whereas expert reports indicate that since 2004 several churches have been leveled, such as St. Catherine Church in Gerani which was bulldozed in mid-2008, the northern wall of the Chapel of St. Euphemianos in Lysi which was destroyed by looters as they removed all metal objects within the wall, the Church of the Holy Virgin in the site of Trachonas was used as a dancing school until the Turkish occupiers built a road that destroyed part of it in March 2010, the Church of the Templars was converted into a night club, and the Church of Panagia Trapeza in Acheritou village was used as a sheep stall before it was recently destroyed by looters removing metal objects from medieval graves within the church;

Whereas the Republic of Cyprus discovered iron-inscribed crosses stolen from Greek cemeteries in the north in trucks owned by a Turkish-Cypriot firm that intended to send them to India to be recycled;

Whereas United States art dealer Peggy Goldberg was found culpable for illegally marketing 6th century mosaics from the Panagia Kanakaria church because the judge found that a ''thief obtains no title or right of possession of stolen items'' and therefore ''a thief cannot pass any right of ownership . . . to subsequent purchasers.'';

Whereas the extent of the illicit trade of religious artifacts from the churches in the Turkish occupied areas of northern Cyprus by Turkish black market dealer Aydin Dikmen was exposed following a search of his property by the Bavarian central department of crime which confiscated Byzantine mosaics, frescoes, and icons valued at over €30 million;

Whereas a report prepared by the Law Library of Congress on the ''Destruction of Cultural Property in the Northern Part of Cyprus and Violations of International Law'' for the U.S. Helsinki Commission details what obligations the Government of Turkey has as the occupying power in northern Cyprus for the destruction of religious and cultural property there under international law;

Whereas the Hague Convention of 1954 for the Protection of Cultural Property During Armed Conflict, of which Turkey is a party, states in article 4(3) that the occupying power undertakes to ''Prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of any acts of vandalism directed against cultural property'';

Whereas according to the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership which has been ratified by Cyprus and Turkey, parties are required to take steps to prevent illicit traffic through the adoption of legal and administrative measures and the adoption of an export certificate for any cultural object that is exported, and ''illicit'' refers to any export or transfer of ownership of cultural property under compulsion that arises from the occupation of a country by a foreign power;

Whereas according to the European Court of Human Rights in its judgment in the case of Cyprus v. Turkey of May 10, 2001, 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 of the northern part of the Republic of Cyprus;

Whereas in March 2008, President Christofias and former Turkish Cypriot leader Talat agreed to the setting up of a ''Technical Committee on Cultural Heritage'' with a mandate to engage in ''serious work'' to

protect the varied cultural heritage of the entire island;

Whereas this Committee was developing a list of all cultural heritage sites on the island to create an educational interactive program for the island's youth to understand the shared heritage and to undertake a joint effort to restore the Archangel Michael Church and the Arnvut Mosque;

Whereas while significant work was done on the Arnvut Mosque, the Archangel Michael Church remains in disrepair; and

Whereas, on July 16, 2002, and again in 2007, the United States and the Government of the Republic of Cyprus signed a Memorandum of Understanding to impose import restrictions on categories of Pre-Classical and Classical archaeological objects, as well as Byzantine period ecclesiastical and ritual ethnological materials, from Cyprus: Now, therefore, be it

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 art and 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 enclaved Cypriots;

(5) calls on the United States Commission on 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;

(6) calls on the President and the Secretary of State to include information in the annual International Religious Freedom and Human Rights reports on Cyprus 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 enclaved to freely practice their faith;

(7) calls on the State Department Office of 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;

(8) urges OSCE to ensure that member states do not receive stolen Cypriot art and antiquities; and

(9) 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 antiquities, to allow for the proper preservation and reconstruction of destroyed or altered religious sites, and to immediately cease all restrictions on freedom of religion for the enclaved 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.

GENERAL LEAVE

Mr. TANNER. 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 Tennessee?

There was no objection.

Mr. TANNER. Mr. Speaker, I rise in support of this legislation.

One of the most tragic aspects of Turkey's 1974 invasion of Cyprus and subsequent occupation of the northern part of that country has been the desecration and destruction of religious property, primarily Greek Orthodox, and other manifestations of contempt for freedom of worship.

I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the author of the resolution, the gentleman from Florida (Mr. BILIRAKIS), a member of the committee.

Mr. BILIRAKIS. Mr. Speaker, I rise today in support of H. Res. 1631, a resolution calling for protection of religious sites and artifacts from and in Turkish-occupied areas of northern Cyprus, as well as for general respect for religious freedom.

First, I would like to recognize my colleagues for this incredible bipartisan effort. Thank you so much to Ranking Member ILEANA ROS-LEHTINEN and Chairman BERMAN, not only for their cosponsorship but also for assisting in fast-tracking this measure to the House floor.

Also, thanks to my Hellenic Caucus cochair, CAROLYN MALONEY, and all of my colleagues who are cosponsors, including the U.S. House's strongest champion of human rights, CHRIS SMITH. This display of bipartisanship illustrates that Congress can work together in a collegial spirit when it comes to protecting religious freedom throughout the world.

As cosponsor and cochair of the Hellenic Caucus and member of the International Religious Freedom Caucus, we've introduced this measure to highlight the continued violations that are taking place on the divided island nation of Cyprus. Even as Cyprus celebrates the 50th anniversary of its independence, we are reminded that roughly one-third of Cyprus continues to be under Turkish military occupation since 1974. This resolution demands that Turkey be held responsible for the continued violations of humanitarian law with respect to the destruction 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 to 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, cemeteries, 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 barns.

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 enclaved 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.

□ 1600

Mr. TANNER. Madam Speaker, I am pleased to yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding and for his leadership on this and so many other important issues.

Madam Speaker, I rise in strong support of H.R. 1631, a resolution calling for the protection of religious sites and artifacts in Turkish-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 am honored 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 disturbing is the way the churches have been razed, converted into barns, 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 our ultimate goal of a reunified 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 place in the RECORD this report from 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]

CYPRUS—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 and August 1974, the Republic of Cyprus has been de facto divided into two separate areas: the southern area under the Government of Cyprus, which is recognized as the only legitimate government; and the northern area, amounting to approximately 36 percent of the territory, under the non-recognized, illegal, and unilaterally declared ''Turkish Republic of Northern Cyprus'' (''TRNC'). As documented, the northern part of Cyprus has experienced a vast destruction and pillage of religious sites and objects during the armed conflict and continuing occupation. In addition, a large number of religious and archaeological objects have been illegally exported and subsequently sold in art markets. The Republic of Cyprus has asserted its ownership over its religious and archaeological sites located in Cyprus through use of its domestic legislation. The Cyprus government and the Church of Cyprus claim that such religious sites constitute part of Cyprus' cultural property and are of paramount importance to the collective history and memory of the people of Cyprus as a nation, as well as to humankind. In a few instances, Cyprus, either through diplomatic channels or through legal action, has been successful in repatriating religious and archaeological objects.

Protection of religious sites and other cultural property during armed conflict and occupation falls within the ambit of international humanitarian law, otherwise known as the law of war. The basic principle is that cultural property must be safeguarded and protected, subject to military necessity only when such property has been converted to a military objective. Pursuant to the major international agreement on this subject, the 1954 Hague Convention for the Protection of Cultural Property During Armed Conflict and its Protocols, as well as the legal regime on occupation, Turkey, as a state party, is required to refrain from acts of hostility and damage against cultural property located in the northern part of Cyprus; to prohibit and prevent theft, pillage, or misappropriation of cultural property; and to establish criminal jurisdiction to prosecute individuals who engage in acts of destruction, desecration, and pillage. Archaeological excavations in the occupied northern part of Cyprus are prohibited unless they are critical to the preservation of cultural property; in such a case, excavations must be carried out with the cooperation of the national competent authorities of the occupied territory. Such violations of conventional and customary international rules on the protection of cultural property may give rise to legal responsibility on the part of Turkey as the occupying power before an international court or tribunal, provided that other requirements are met A legal precedent for the responsibility of Turkey for actions against cultural property would be the judgments of the European Court of Human Rights. The Court, based on the ''effective control'' test, used in Loizidou v. Turkey, found Turkey responsible for deprivation of private property of Greek-Cypriots expelled from the occupied northern part of Cyprus.

The International Criminal Tribunal for the Former Yugoslavia (ICTY) and the Rome Statute of the International Criminal Court (ICC) consider the destruction of cultural property to be a war crime. The ICTY has held individuals accountable for the destruction or damage done to institutions dedicated to religious, artistic, scientific, or historic monuments. Moreover, the ICTY has reaffirmed that the rules on protection of cultural property during armed conflict have achieved the status of customary international law; thus, they are binding erga omnes, against all states, even if a state is not party to an international humanitarian law instrument.

Two international Conventions governing protection of cultural property apply to the issue of illicit traffic and exportation of cultural property from the northern part of Cyprus: a) the 1970 UNESCO (United Nations Educational, Scientific, and Cultural Organization) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership; and b) the 1995 UNIDROIT (International Institute for the Unification of Private Law) Convention on Stolen or Illegally Exported Cultural Objects. A basic objective of both Conventions is to fight the illicit trade in art and cultural property. Under the 1970 Convention, which has been ratified by Cyprus and Turkey, parties are required to take steps to prevent illicit traffic through the adoption of legal and administrative measures and the adoption of an export certificate for any cultural object that is exported. Cyprus has complied with these requirements. In addition, the 1970 Convention regards as ''illicit'' any export or transfer of ownership of cultural property under compulsion that arises from the occupation of a country by a foreign power. The 1995 UNIDROIT Convention establishes uniform rules for restitution claims by individuals regarding stolen cultural objects and return claims by states regarding illicitly exported cultural objects. While Cyprus has ratified the Convention, Turkey has not.

The Cyprus Government stresses that the optimum way to preserve and protect its cultural property is to find a solution to the Cyprus issue and the end of the military occupation of the northern part of Cyprus. Meanwhile, Cyprus may opt, inter alia, to utilize judicial remedies to resolve outstanding disputes pertaining to its cultural and religious property either before foreign courts, as it has already done, or international and regional courts, provided that other criteria are met.

I. 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, as well some disputed archaeological excavations and illegal exportation of objects, have occurred in the northern part of Cyprus. The Government of Cyprus claims that the impetus 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 humankind in general. On the other hand, the unilaterally 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 the excavations are taking place within the ''TRNC's'' own ''sovereign'' area.

It is against this background that this report analyses 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:

(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 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. Also included is a brief description of the reported destruction of cultural property that occurred in the northern part of Cyprus and an overview of Cyprus' domestic ownership laws on cultural property. In analyzing the international legal standards applicable to the protection of cultural property, this report examines three key legal issues:

(a) Whether religious sites in Cyprus (including churches, chapels, monasteries, synagogues, and mosques used by the Greek

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 in the northern part of Cyprus could give rise to international responsibility on the part of the occupying Turkish military forces in 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 pursue its 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 (395–1191 A.D).[1] It was during this time that a great number of churches were built and decorated with mosaics and frescoes of exquisite beauty.[2] In 1571, Cyprus became part of the Ottoman Empire and in 1878 fell under British rule.

After a long period as a British colony,[3] 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.[4] Under the Treaty of Guarantee,[5] the three guarantor powers, Greece, Turkey and the United Kingdom, agreed to safeguard and respect the independence and sovereignty of Cyprus. Cyprus' population is composed of two communities; Greek-Cypriots, and Turkish-Cypriots. The two communities are linguistically and religiously distinct from each other. They had long inhabited the island in peaceful symbiosis, with some sporadic periods of political instability and internal strife. Prior to 1974, the Greek-Cypriot community comprised 80 percent of the population of Cyprus, the Turkish-Cypriots totaling approximately 18 percent, with the balance being comprised of a small percentage of Armenians, Maronites, and Latin.[6]

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 only legitimate government, and the northern area under the nonrecognized, illegal, and unilaterally declared ''TRNC.'' 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.[7] The military invasion by Turkey was precipitated when the Greek military regime, with the assistance of the Cypriot armed forces, planned and executed a coup d'etat against the government of Archbishop Makarios, the first elected President of the Republic of Cyprus. On July 20, 1974, Turkey, using the coup d'etat as grounds to allegedly protect the Turkish community, intervened militarily in Cyprus in order to ''reestablish the constitutional order.''[8] A series of unsuccessful peace negotiations ensued between the two communities under the auspices of the United Nations (UN) until August 14, 1974, when Turkey initiated a second military attack on Cyprus and occupied 36.02 percent of the territory of the Republic of Cyprus.[9]

As a result of the 1974 Turkish invasion of Cyprus, almost 200,000 Greek-Cypriots fled their homes in the north and either became refugees or were internally displaced, and eventually settled in the southern part of Cyprus. The Turkish-Cypriots who lived in various parts of the island prior to 1974 moved to the north.[10]

Currently, the population of Cyprus includes approximately 660,000 Greek-Cypriots who live in the south, 89,000 Turkish-Cypriots in the north, and a Turkish military force of approximately 43,000. Moreover, Turkey has brought close to 160,000 Turkish settlers to the northern part of Cyprus from mainland Turkey in an effort to alter the demographics of Cyprus. The European Court of Human Rights of the Council of Europe, to which Turkey and Cyprus are members, in numerous instances has found Turkey to have violated various human rights in the northern part of Cyprus, in particular the rights of individuals to their property, and the right to life, liberty, and security.

The ''TRNC'' was unilaterally proclaimed in 1983 and adopted a Constitution. The United Nations Security Council, in Resolutions 541 and 550, adopted in 1983 and 1984, respectively, declared the secession invalid, null, and void. The Security Council also urged the Cyprus: Destruction of Cultural Property—April 2009 The Law Library of Congress international community not to recognize the ''TRNC.''[11] Thus far, no country (with the exception of Turkey) has recognized the ''TRNC'' as a separate state under international law. The United Nations, the European Union (EU),[12] the Council of Europe,[13] and others[14] have repeatedly reaffirmed the status of the Republic of Cyprus as the only legitimate government. A number of national and international courts, in adjudicating legal issues that have incidentally raised the question of the status of the ''TRNC,'' have not recognized its legitimacy.[15]

On May 1, 2004, the Republic of Cyprus, as a single state, joined the EU.[16] For the time being, the entire body (acquis communautaire) of EU law applies only to the southern part of the * * *

END NOTES

[1] Kypros Chrysostomides, The Republic of Cyprus: A Study in International Law (2000); see also Republic of Cyprus, Press and Information Office, The Almanac of Cyprus 16 (1996); Republic of Cyprus, Press and Information Office, Window on Cyprus (2005).

[2] Chrysostomides, supra note 1.

[3] In 1914, Cyprus was annexed by Great Britain. Between the period of 1925 to 1960 Cyprus had the status of a Crown colony. For an analysis of the history of Cyprus, see Chrysostomides, supra note 1. See also, Criton G. Tornaritis, Cyprus and Its Constitution and Other Legal Problems (1980).

[4] M. Alamides, The Constitution of the Republic of Cyprus 3 (2004).

[5] Treaty of Guarantee, Aug. 16, 1960, 382 U.N.T.S. 3.

[6] Chrysostomides, supra note 1. Appendix E of the 1960 Cyprus Constitution recognizes three religious groups in Cyprus consisting of Armenians, Maronites, and Latins. Latins originated from the Franciscan Order of the Roman Catholic Church and were established in Cyprus during the Ottoman period. Members of these groups are guaranteed human rights and freedoms comparable to those afforded by the European Convention of Human Rights and are also constitutionally protected against discrimination.

[7] The role of the UNFICYP was expanded in response to the Turkish military invasions. For information on the UNFICYP, see http://www.un.org/Depts/dpko/missions/unficyp/. For an analysis of the efforts of the United Nations to find a workable solution to the Cyprus problem, see Claire Palley, An International Relations Debacle, The UN Secretary-General's Mission of Good Offices in Cyprus 1999–2004 (2005).

[8] Chrysostomides, supra note 1.

[9] Chrysostomides, Cyprus—The Way Forward 63 (2006).

[10] See Ministry of Foreign Affairs of the Republic of Cyprus, The Third Vienna Agreement—August 1975 (Aug. 2, 1975) (communiqué issued after the third round of talks on Cyprus held in Vienna from July 31–Aug. 2, 1975), available at http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/0658E5B2F4D1A538C22571D30034D15D/$FILE/August%201975.pdf?OpenElement.

[11] S.C. Res. 541, U.N. Doc. S/RES/541 (Nov. 18, 1983) and S.C. Res. 550, U.N. Doc. S/RES/541 (May 11, 1984), available at http://www.un.org/Docs/sc/unsc_resolutions.html, reprinted in Resolutions Adopted by the United Nations on the Cyprus Problem (Press and Information Office, Ministry of Interior, Republic of Cyprus, 1964–1990).

[12] On November 16, 1983, the European Community adopted a statement rejecting the declaration and expressing its deep concerns regarding the establishment of ''TRNC'' as an independent state. The statement also reaffirmed its support of the sovereignty, independence, and unity of Cyprus. The European Parliament has held hearings on the issue of destruction of cultural property and, inter alia, in 2006 it adopted a Declaration on the Protection and Preservation of the Religious Heritage in the northern part of Cyprus, Eur. Parl. Doc. P6_TA(2006)0335 (Aug. 30, 2006), available at http://www.europarl.europa.eu/registre/seance_pleniere/textes_adoptes/definitif/2006/09-05/0335/P6_TA(2006)0335_EN.pdf. The Parliament's Committee of Education and Culture also endorsed funds from the 2007 budget for a study on the situation of religious sites in northern Cyprus. Alexia Saoulli, European Parliament Backs Funds for Study on Churches in the North, Museum Security Network Mailing List (Sept. 14, 2006), available at, http://msn-list.te.verweg.com/2006-September/005975.html.

[13] In 1983, the Committee of Ministers of the Council of Europe issued a Resolution which, inter alia: a) deplored the declaration by the Turkish Cypriot leaders of the ''purported independence of the so-called ''Turkish Republic of Northern Cyprus''; b) declared the unilateral declaration invalid; and, c) reaffirmed its commitment to the Republic of Cyprus as the only legitimate government. Comm. of Ministers Resolution (83) 13, Nov. 24, 1983, on Cyprus, available at http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/C1E21396890CA83CC22571D2001E8A47/$file/Res%2083.pdf?OpenElement.

[14] The Commonwealth Heads of Government, in a meeting convened in New Delhi, India, November 23–29, 1983, condemned the declaration of the ''TRNC'' ''to create a secessionist state in northern Cyprus, in the area under foreign occupation.'' A press communiqué was issued stating, inter alia, as follows: ''[The] Heads of Government condemned the declaration by the Turkish Cypriot authorities issued on 15 November 1983 to create a secessionist state in northern Cyprus, in the area under foreign occupation. Fully endorsing Security Council Resolution 541, they denounced the declaration as legally invalid and reiterated the call for its non-recognition and immediate withdrawal. They further called upon all States not to facilitate or in any way assist the illegal secessionist entity. They regarded this illegal act as a challenge to the international community and demanded the implementation of

the relevant UN Resolutions on Cyprus.'' Quoted in Loizidou v. Turkey (Merits), Eur. Ct. Hum. H.R., VI Dec. & Rep. (1996), available at http://cmiskp.echr.coe.int/tkp197/viewhbkm.asp?sessionId=9256208&skin=hudoc-en&action=html&table=F69A27FD8FB86142BF01C1166DEA398649&key=588&highlight=.

[15] For 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 280–315.

[16] See Press Release, Cyprus Government, Press and Information Office, EU Accession Treaty—Protocols on Cyprus, available at http://www.cyprus.gov.cy/moi/PIO/PIO.nsf/All/DA5EA02B13392A77C2256DC2002B662A?OpenDocument (last visited Mar. 9, 2009).

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

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 churches, 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 persecution of Orthodoxy, whether in Cyprus or Istanbul, the home of the Ecumenical Patriarchate, in Syriac Orthodox monasteries, or of the Armenian Orthodoxy, 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 Christians in Turkish-occupied areas of Cyprus have the effect ''of ensuring that with the passage of time, the communities (that is, Greek Cypriots and Maronites) would cease to exist.'' So 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 Orthodox 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 supporter of religious freedom and human rights around the world for many years. But, I believe the resolution before us is less about promoting religious freedom and religious tolerance than it is about poking a stick in the eye of Turkish Cypriots; who are currently working together with their Greek Cypriots neighbors to strike a comprehensive peace deal for that troubled island.

Time and time again, I have come to the floor to ask my colleagues to review the facts and stop oversimplifying this issue. Revisionist history attempts to lay all the blame for the ills of Cyprus at the doorstep of Turkish Cypriots and Turkey. H. Res. 1631 seems to repeat this pattern. I urge my colleagues to step back and ask themselves whether this resolution will truly advance the reconciliation process or merely add fuel to the fire. If we do that, the answer is obvious, H. Res. 1631 is an unnecessary and inappropriate assertion of opinion that does nothing to bring peace to a divided land.

In fact, those on both sides of the issue are already working together to come to a resolution. On March 21, 2008 the Greek Cypriot leader Mr. Christofias and the Turkish Cypriot leader Mr. Talat forged an agreement that paved the way for the establishment of the Technical Committee on Cultural Heritage. This committee has already set in order plans to protect, preserve and restore the rich cultural heritage of Cyprus and by all accounts have made great strides to date towards achieving these goals. According to a recent press statement, the Cultural Committee has expressed a commitment to ''compile the entire list of immovable cultural heritage of Cyprus [and] to create an educational interactive program that would give the opportunity to younger generation of Greek Cypriots and Turkish Cypriots to learn about each other and the cultural heritage of the island.''

The effort is an open and honest dialogue between Greek and Turkish Cypriots regarding the preservation of their shared history. I believe, if left alone, this cooperation could well serve to open dialogue in other areas.

Rather than restating the tired talking points of yesterday which only serve to place blame for past offenses, as appears to be the case with H. Res. 1631, I would urge my colleagues to applaud and support these efforts.

Too often, the international community and many well-meaning members of this body fail to recognize the two sides of this issue. For example, the Turkish Cypriots have expressed concern over destruction and neglect of Turkish-Muslim monuments of importance in the South of Cyprus while at the same time committing to protect the heritage of the Greek Cypriots. In a letter to Mr. HASTINGS, the Turkish Cypriots expressed that ''The Turkish side believes that the cultural heritage of a people is its most important asset, its identity and a sense of community through time. With this understanding, we regard all the cultural heritage in North Cyprus, regardless of its origin, as part of the common heritage of both the Turkish Cypriot people and of humanity.''

Thankfully, and as I've already stated, the Committee on Cultural Heritage has agreed to work to establish a mechanism that does just this. But why if H. Res. 1631, is the fair and balanced resolution its supporters claim it to be, is it silent in terms of commending all efforts to preserve the cultural heritage of both sides.

Madam Speaker, if we can redirect our misspent energies towards the real work of reshaping Cyprus into a Cyprus that respects human rights and the fundamental freedoms for all Cypriots; by bolstering the efforts of the Greek Cypriots and the Turkish Cypriots to work together in good faith for the future of all Cypriots; then the future will be bright for Cyprus.

However, if we as the United States Congress continue only to echo the shrill cries of the ''blame Turkey'' groups here in the United States, we will only help further delay the day that peace comes to Cyprus. I urge my colleagues to reject H. Res. 1632.

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. EDWARDS 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 Representatives on the importance of the full implementation 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 resolution.

The text of the resolution is as follows:

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 Sudan's full implementation of the Comprehensive Peace Agreement (CPA) in this next

year will determine the future of this centrally important country in Africa and the stability of the region;

Whereas January 2010 marked the fifth anniversary of the signing 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, that resulted in the deaths 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/A), 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 conflict in Darfur remains unresolved, with over 300,000 people killed and over 2,000,000 people still displaced in a highly unstable security situation perpetrated 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 its 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 at the end of the CPA in January 2011, the agreement requires referenda on self-determination for southern Sudan and on whether Abyei will remain in the north or join the south;

Whereas following the Interim Period, popular consultations in Southern Kordofan State and Blue Nile State are to be held to determine the governance arrangements in those two states;

Whereas it is essential that the referenda and accompanying popular consultations are held on time, that they are free, fair, and credible, and that if the outcome of the southern Sudan referendum is independence, two stable and viable democratic states result;

Whereas the Government of Southern Sudan faces post-conflict reconstruction challenges including establishing democratic, responsive, and transparent governance, addressing human resources and capacity-building needs, strengthening and reforming the judiciary and security forces to address communal and inter-ethnic violence, professionalizing the police and security forces, developing basic infrastructure, natural resources and the economy; providing basic services including water, education, health care and social services, and establishing cooperative and transparent wealth-sharing mechanisms;

Whereas in August 2009, the NCP and SPLM signed a bilateral agreement to address and implement many of the CPA's outstanding provisions, but since that time the NCP has consistently delayed and reneged on its CPA commitments, thereby increasing tension and distrust between northern and southern Sudan and endangering the CPA by infringing on the freedom of speech, assembly, and association of candidates, political party activists, and journalists during and after the election process, including censoring the media and arresting political party leaders;

Whereas the NCP continues to restrict and disrupt United Nations peacekeeping, humanitarian operations, and human rights organizations in Darfur;

Whereas the United States 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 to bring about a just and lasting peace in Sudan;

Whereas Secretary of State Hillary Rodham Clinton stated in October 2009 that ''the Comprehensive Peace Agreement between the North and South will be a flashpoint for renewed conflict if not fully implemented through viable national 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 sustained pressure and engagement from the international community in support of the CPA, including the upcoming referenda, is essential to bring about sustainable peace in Sudan: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the United States Government should—

(1) work with appropriate Sudanese parties and responsible regional and international partners to—

(A) build consensus on the steps needed to implement the Comprehensive Peace Agreement (CPA), including the upcoming referenda, and promote stability throughout Sudan;

(B) correct serious and systemic problems in the election process to ensure that they do not reoccur during the referenda campaign and voting processes, including irregularities in voter registration, logistical and procedural challenges, poor voter education, human rights infringements, intimidation, and violence; and

(C) ensure that the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) implement procedures whereby the referenda occur as scheduled, including appointing competent and credible members to all referenda commissions and providing technical assistance to and funding for the commissions;

(2) work with the United Nations Mission in Sudan (UNMIS) to ensure security during and after the referenda campaign and voting processes, which will require a robust monitoring and protection presence in areas prone to conflict;

(3) take concrete steps through the contribution of targeted resources and technical expertise to—

(A) ensure international monitoring and observation of registration and polling to guarantee a secure environment for individual registration and voting, and to prevent voter intimidation or fraud occurring during these critical phases of the referenda;

(B) ensure that the Government of National Unity (GNU), as required by the CPA, provides adequate funding at predetermined levels and timelines for the registration and polling periods, given the need to ensure that those who register are able to access polling stations on voting day;

(C) ensure that responsible nations commit adequate resources and technical expertise to support the referenda and voter education programs in southern Sudan, Abyei, and other areas where people will vote in the referenda to promote understanding of the nature, importance of participation, consequences of the referenda process; and

(D) support the popular consultation processes in Southern Kordofan State and Blue Nile State, including through provision of technical assistance and support for public education;

(4) work with appropriate Sudanese parties and responsible regional and international partners to ensure—

(A) the right of return of Sudanese refugees and displaced persons, including Darfuris and southerners, by providing assistance and safe passage to all such persons; and

(B) that the citizenship rights of southerners in the north and northerners in the south are respected in accordance with international standards should the south vote for independence;

(5) work with responsible regional and international partners to ensure a stable north-south border and a permanent peace in Sudan, utilizing policy options if parties fail to honor the CPA, especially as it relates to border demarcation pre-referenda;

(6) continue to utilize diplomats and experts and sustain engagement to support the African Union and United Nations-led negotiations over the post-referendum issues, including working with responsible regional and international partners to assist in making necessary arrangements for a post-2011 peaceful transition, with specific focus on oil and revenue sharing, citizenship, return of refugees and displaced persons, security arrangements along the border, and protection of the rights of minorities, particularly the religious and ethnic minorities historically marginalized;

(7) utilize diplomats and experts to revitalize the Darfur Peace Process and press the NCP, northern political parties, armed groups, and civil society representatives to address human rights abuses (including gender-based violence) and the ongoing atrocities and displacement in Darfur;

(8) undertake renewed efforts to define and implement the Administration's stated Sudan policy of October 2009, including by publicly articulating the benchmarks and related incentives and pressures used by the Administration to gauge progress or backsliding on key provisions of the CPA, including the holding of a free and fair referendum in southern Sudan;

(9) hold the NCP accountable for its actions given the NCP's human rights violations and efforts to impede CPA implementation since the announcement of the United States Sudan policy, and the need for the United States to both balance incentives with pressures, by—

(A) identifying NCP government agencies and officials responsible for particularly severe human rights and religious freedom violations as required under section 402b(2) of the International Religious Freedom Act of 1998 (IRFA), and prohibit those individuals identified under section 402b(2) of IRFA from entry into the United States;

(B) encouraging multilateral asset freezes on NCP government agencies and travel bans on officials responsible for particularly severe human rights and religious freedom violations;

(C) continuing to encourage greater multilateral enforcement of the arms embargo set out in the 2004 United Nations Security Council Resolution 1556 and strengthened in the 2005 United Nations Security Council Resolution 1591;

(D) continuing to encourage multilateral support for efforts to hold accountable Omar al-Bashir and other Sudanese officials accused of genocide, war crimes, or crimes against humanity, recognizing that justice is essential for there to be lasting peace; and

(E) vigorously advocating on behalf of any credible humanitarian organizations that come under pressure from Khartoum or are at any point expelled from the country, 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 service and educational 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 referenda 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 referenda 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.

Mr. SMITH of New Jersey. Madam Speaker, I am pleased to rise in support of H. Res. 1588, of which I am the original cosponsor.

Madam Speaker, we are all too familiar with the famous quote by the American philosopher George Santayana, who said, ''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 took place in Srebrenica 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 north and the south of Sudan that ended in 1995 took the lives of over 2 million people and displaced a further 4 million.

□ 1610

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 Mukjar 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 needed to be 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 to the north 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 country could settle into a stable, lasting peace. The United States has devoted substantial resources, nearly $9 billion in humanitarian, development, and peacekeeping assistance since 1994 to support the CPA's implementation. But numerous incidents have also exposed the extreme lack of trustworthiness of the Khartoum government and the urgent need for the government of southern Sudan to increase its capacity and accountability.

The Subcommittee on Africa and Global Health, on which I serve as ranking member, and the Tom Lantos Human Rights Commission have held several hearings over the last 14 months. The testimony we have heard at those hearings sounded a major alarm about the ominous storm clouds gathering over Sudan. In fact, the issues raised at the two hearings in July of 2009 and the proposed solutions to those issues were so compelling that I and several other Members forwarded the expert testimony to Secretary of State Hillary Clinton and Scott Gration, our Special Envoy, asking them to take this incredibly compelling information into account as the administration engaged in peace efforts in Sudan.

Unfortunately, the administration took little or know account of that advice. Furthermore, it seemed to ignore its own strategy that was publicized in October of last year. Key members of the National Security Council deputies committee, which was supposed to meet quarterly, met only once in January with no noticeable outcome. The administration claimed it was taking the advice of numerous experts to establish specific benchmarks to be met by the respective parties according to a set time frame. The achievement of those benchmarks, created to ensure the timely implementation of the CPA, would be tied to incentives and disincentives to motivate their achievement. There is no evidence that these benchmarks were ever created, much less enforced with discernible consequences.

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. Herculean measures must also be undertaken to ensure that the January 9 referendum is conducted in a manner that ensures the credibility of the outcome as well as the peaceful acceptance of that outcome by the parties.

With H. Res. 1588, I join my colleagues in pressing upon the administration the urgent need to assist 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 south 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 want to be clear. Before I got elected to Congress 12 years ago, I might have known where Sudan was, not sure. I would not have known where Darfur was. I would not have known that there was a problem in south Sudan. This is not a problem that I have been studying for a while. It is a problem that started to come to my attention after 9/11 when I realized, like many Americans, you trace back who is this bin Laden guy, where is he from. He spent years in Sudan training, recruiting, preparing for attacks like 9/11. That was just the beginning of it.

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. That same 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 particular country, 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, to encourage the world to pay attention to this for their own sake, if not for the sake of the people in Sudan and south Sudan.

Mr. PAYNE. Madam Speaker, I rise today in support of Res. 1588, which calls attention to the upcoming referenda in Sudan and the need to ensure full implementation of that country's Comprehensive Peace Agreement, CPA. I want to commend my fellow co-chairs of the Sudan Caucus, Mr. CAPUANO, Mr. WOLF, and Mr. MCCAUL, for their bipartisan leadership on this issue. Mr. CAPUANO, our Republican co-chairs, and I have worked hard to bring this resolution to the floor because time is short. I 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 el Bashir, must not be allowed to derail the referenda.

The referenda are part of the peace dividend promised to the people of South Sudan and Abyei following the 21–year war 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, defenseless children, 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 secure 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 they 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.

Today, with less than four months until the referenda, Sudan is dismally 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 to call 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 to vote in favor of this bipartisan resolution.

Mr. SMITH of New Jersey. Madam Speaker, I have no further requests for time, and 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. 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. 1588, 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.

HONORING AID WORKERS KILLED IN AFGHANISTAN

Mr. TANNER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1661) 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.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1661

Whereas 10 unarmed civilians were brutally killed in Badakhshan province, Afghanistan, on August 5, 2010;

Whereas those killed were humanitarian aid workers, operating a mobile health clinic for people with little access to medical care;

Whereas the humanitarian assistance team included a surgeon, an optometrist, a dentist, a nurse, a photographer, translators, a cook, and a guard;

Whereas among the murdered humanitarian aid workers were 6 United States citizens, including Cheryl Beckett, Brian Carderelli, Thomas Grams, Glen Lapp, Tom Little, and Dan Terry;

Whereas Cheryl Beckett, who grew up near Cincinnati, Ohio, had spent 6 years in Afghanistan, helping mothers to provide adequate nutrition for themselves and their children, and organizing relief efforts for more than 200 Afghan families struggling to survive the winter without heat or electricity;

Whereas Brian Carderelli, a recent graduate of James Madison University in Harrisonburg, Virginia, joined the medical team as a photographer and videographer, documenting the Afghan communities to which the team provided assistance and the successes they together achieved;

Whereas Dr. Thomas Grams, a dentist from Durango, Colorado, gave up his practice 4 years ago to devote his life to providing free dental care to those in need, especially children throughout Asia and Latin American, with a focus on Nepal and Afghanistan;

Whereas Glen Lapp, a nurse from Lancaster, Pennsylvania, came to Afghanistan in 2008 in order to serve as manager of a much-needed provincial eye care program in Afghanistan;

Whereas the humanitarian assistance team was led by Tom Little, an optometrist from New York, who raised 3 daughters while living in Afghanistan and was deeply dedicated to serving the health needs of Afghans, particularly those in remote areas without access to medical care;

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; and

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: Now, 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, aid workers continue to 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.

□ 1620

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 first thank the chairman of the committee, Mr. BERMAN, and Ranking Member ROS-LEHTINEN 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 no 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 non-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 in both 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 law and order and strengthening 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, opportunity, and prosperity.

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 safe 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 who have done their part and sacrificed so very much, particularly our men and women in uniform, to build a safe, secure, and free Afghanistan. And we owe gratitude to the courageous humanitarian aid workers who risk their lives as well 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 PITTS' 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 residents 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 by those he helped.

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 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.

EXPRESSING SUPPORT FOR TRAPPED CHILEAN MINERS

Mr. TANNER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1662) 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.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1662

Whereas, on August, 5, 2010, the San José copper-gold mine in Copiapó, Chile, collapsed, leaving 33 miners trapped underground;

Whereas Chilean President Sebastián Piñera has made it a national priority to rescue the stranded miners and reunite them with their families;

Whereas the Chilean Ministry of Minerals and Ministry of Health are working tirelessly to rescue the 33 miners and make the necessary preparations to ease them back into society after they are rescued;

Whereas the United States continues to assist in the rescue effort, through the efforts of the National Aeronautics and Space Administration, private United States companies, and others who shared expertise on rescue missions and the psychological impact of isolation; and

Whereas, on September 17, 2010, a rescue drill completed a bore hole ahead of schedule raising hopes that the miners may be pulled out earlier than the previous forecasts for early November: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the bravery of the 33 miners trapped in the San José mine in Copiapó, Chile;

(2) expresses solidarity with the stranded miners and their families;

(3) commends the efforts of President Sebastián Piñera and the Government of Chile in their tireless rescue efforts;

(4) commends the efforts by United States Federal agencies and private individuals and entities in responding directly and promptly to Chile's request for advice and expertise to assist in this humanitarian endeavor; and

(5) expresses continued support for the successful rescue, recovery, and reintegration of the 33 miners into Chilean society.

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

On August 5, 2010, the San Jose copper-gold mine in Copiapo, 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.

H. Res. 1662 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 Jose 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 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.

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.

It was believed that the 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 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 also 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. ENGEL. Madam Speaker, I rise in support of H. Res. 1662, which expresses solidarity with the 33 trapped miners in Chile, whose story we've all 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 Minister in my 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 we speak, engineers 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 dominos. They are surviving—but they need the support of their families, their country, and people around the world.

Their 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.

□ 1630

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 improvement 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 invigorating 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 and science centers, STEM professional societies, educational societies, government agencies and laboratories, community organizations, K–12 schools, volunteers, corporate 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 contribution of science and engineering to American competitiveness through exhibits on such topics as human spaceflight, satellites, weather forecasting, and telescopes; and

Whereas the House of Representatives believes scientific research is essential to American competitiveness and events like the USA Science & Engineering Festival promote the importance of 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.

GENERAL LEAVE

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 no objection.

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. This is a dark 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 you know, the House recently passed the America COMPETES Act reauthorization, 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 next generation of scientists 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 economic and innovative potential and 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. 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 this 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 concept of our Federal republic is to make sure that we represent those communities out throughout this Nation, 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 firsthand witnessed the wonderful event we had in 2009, the inaugural event of the San Diego Science and Energy Festival that attracted over a half-million 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 see how important this investment of not just money, but of minds and creativity is going to be for all of us.

Madam Speaker, I think that we can recognize that though we have been successful in the past, only if we recognize that science, math, technology is going to be essential for a prosperous future, I think that we can look at each other and say maybe we need to spend more time focusing on those things that we have taken for granted for much too long.

I am happy to say I think culturally America is waking up to the fact that science is cool, that science is a neat thing to be involved with. In fact, I think that those of us who remember when the chairman and I were growing up, the great heroes of law enforcement were Joe Friday and the cops carrying the badge, who are still the heroes, but now our young people are learning it is the scientists who can find that little particle that leads to the answers. And every day, every night we can always turn on the television now, and we don't just see the strong cop on the beat, we see the scientists in the laboratory being our heroes.

Hopefully this will help to continue to grow the culture that being smart is cool, being a scientist is something to aspire to be. And maybe in our own little way, in our small way by supporting this festival, we can cultivate those minds and that creativity out there and maybe we will see the future Alexander Graham Bells, the Thomas Edisons, the Robert Fultons and many other great Americans who have been able to create the America we know today and the world we see around us that too often we take for granted that science and technology made it all possible.

With this event, maybe we will be able to remind all of us how lucky we are to be in America, where freedom of mind goes along with freedom of spirit.

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. Madam Speaker, I once again thank my friend from San Diego for an excellent resolution and also for the good constructive role he plays on our Science and Technology Committee.

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. GORDON) that the House suspend the rules and agree to the resolution, H. Res. 1660.

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.

□ 1640

RECOGNIZING 40TH ANNIVERSARY OF APOLLO 13 MISSION

Mr. GORDON of Tennessee. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res.

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.

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 199,990 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 human spaceflight, including the first mission that left low Earth orbit and the first man on the Moon;

Whereas the Apollo program spurred advances in many areas of technology including avionics, telecommunications, and computers; and

Whereas the Apollo missions sparked interest in many fields of engineering which benefitted 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 spurned 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.

GENERAL LEAVE

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. 1421, the resolution now under consideration.

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

There was no objection.

Mr. GORDON of Tennessee. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is hard to imagine a more difficult problem than that of figuring out how to safely return to Earth in a critically damaged spacecraft heading towards the Moon—or one that is more urgent. Yet, through the combined efforts of the three consummately trained astronauts, the skilled NASA engineers and flight controllers and contractor workforce, *Apollo 13* and its crew were brought back to Earth safely. As we consider the future of NASA and its human spaceflight programs, let this 40th anniversary of the *Apollo 13* mission both inspire us and remind us of the importance of ensuring safety and the strength and capabilities of our human spaceflight workforce as we send our astronauts into space.

I would like to thank the resolution's sponsor, Mr. POE, for introducing this good resolution.

I reserve the balance of my time.

Mr. HALL of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 1421, recognizing the 40th anniversary of the safe return of the *Apollo 13* crew capsule. *Apollo 13* launched from Kennedy Space Center on April 11, 1970, for a planned lunar landing, but suffered serious mechanical and systems failures 2 days later while en route to the Moon.

Through inventiveness and tireless efforts, the men and women at NASA's mission control center provided untested solutions to complex challenges that, up to that time, were unthinkable and unknown. Using out-of-the-box creativity, NASA engineers and program managers salvaged what was later deemed to be a ''successful failure,'' bringing the crew successfully back to Earth on April 17.

I am proud to support this resolution. I am proud, of course, of American ingenuity and the valor of the people of NASA, and encourage my colleagues to join me in recognizing the 40th anniversary of the *Apollo 13* mission.

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 is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and agree to the resolution, H. Res. 1421.

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.

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. 201. Amendments to National Materials and Minerals Policy, Research and Development Act of 1980.
Sec. 202. Repeal.

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 production needs of the United States.

(2) PROGRAM ACTIVITIES.—The program shall support activities to—

(A) better characterize and quantify virgin stocks of rare earth materials using theoretical geochemical research;

(B) explore, discover, and recover rare earth materials using advanced science and technology;

(C) improve methods for the extraction, processing, use, recovery, and recycling of rare earth materials;

(D) improve the understanding of the performance, processing, and adaptability in engineering designs of rare earth materials;

(E) identify and test alternative materials that can be substituted for rare earth materials in particular applications;

(F) engineer and test applications that—

(i) use recycled rare earth materials;

(ii) use alternative materials; or

(iii) seek to minimize rare earth materials content;

(G) collect, catalogue, archive, and disseminate information on rare earth materials, including scientific and technical data generated by the research and development activities supported under this section, and assist scientists and engineers in making the fullest possible use of the data holdings; and

(H) facilitate information sharing and collaboration among program participants and stakeholders.

(3) IMPROVED PROCESSES AND TECHNOLOGIES.—To the maximum extent practicable, the Secretary shall support new or significantly improved processes and technologies as compared to those currently in use in the rare earth materials industry.

(4) EXPANDING PARTICIPATION.—The Secretary shall encourage—

(A) multidisciplinary collaborations among program participants; and

(B) extensive opportunities for students at institutions of higher education, including institutions listed under section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(5) CONSISTENCY.—The program shall be consistent with the policies and programs in the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1601 et seq.).

(6) INTERNATIONAL COLLABORATION.—In carrying out the program, the Secretary may collaborate, to the extent practicable, on activities of mutual interest with the relevant agencies of foreign countries with interests relating to rare earth materials.

(b) PLAN.—

(1) IN GENERAL.—Within 180 days after the date of enactment of this Act and biennially thereafter, the Secretary shall prepare and submit to the appropriate Congressional committees a plan to carry out the program established under subsection (a).

(2) SPECIFIC REQUIREMENTS.—The plan shall include a description of—

(A) the research and development activities to be carried out by the program during the subsequent 2 years;

(B) the expected contributions of the program to the creation of innovative methods and technologies for the efficient and sustainable provision of rare earth materials to the domestic economy;

(C) the criteria to be used to evaluate applications for loan guarantees under section 1706 of the Energy Policy Act of 2005;

(D) any projects receiving loan guarantee support under such section and the status of such projects;

(E) how the program is promoting the broadest possible participation by academic, industrial, and other contributors; and

(F) actions taken or proposed that reflect recommendations from the assessment conducted under subsection (c) or the Secretary's rationale for not taking action pursuant to any recommendation from such assessment for plans submitted following the completion of the assessment under such subsection.

(3) CONSULTATION.—In preparing each plan under paragraph (1), the Secretary shall consult with appropriate representatives of industry, institutions of higher education, Department of Energy national laboratories, professional and technical societies, and other entities, as determined by the Secretary.

(c) ASSESSMENT.—

(1) IN GENERAL.—After the program has been in operation for 4 years, the Secretary shall offer to enter into a contract with the National Academy of Sciences under which the National Academy shall conduct an assessment of the program under subsection (a).

(2) INCLUSIONS.—The assessment shall include the recommendation of the National Academy of Sciences that the program should be—

(A) continued, accompanied by a description of any improvements needed in the program; or

(B) terminated, accompanied by a description of the lessons learned from the execution of the program.

(3) AVAILABILITY.—The assessment shall be made available to Congress and the public upon completion.

SEC. 102. RARE EARTH MATERIALS LOAN GUARANTEE PROGRAM.

(a) AMENDMENT.—Title XVII 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.

"(a) IN GENERAL.—As part of the program established in section 101 of the Rare Earths and Critical Materials Revitalization Act of 2010, the Secretary is authorized, only to the extent provided in advance in a subsequent appropriations act, to make guarantees under this title for the commercial application of new or significantly improved technologies (compared to technologies currently in use in the United States at the time the guarantee is issued) for the following categories of projects:

"(1) The separation and recovery of rare earth materials from ores or other sources.

"(2) The preparation of rare earth materials in oxide, metal, alloy, or other forms needed for national security, economic well-being, or industrial production purposes.

"(3) The application of rare earth materials in the production of improved—

"(A) magnets;

"(B) batteries;

"(C) refrigeration systems;

"(D) optical systems;

"(E) electronics; and

"(F) catalysis.

"(4) The application of rare earth materials in other uses, as determined by the Secretary.

"(b) TIMELINESS.—The Secretary shall seek to minimize delay in approving loan guarantee applications, consistent with appropriate protection of taxpayer interests.

"(c) COOPERATION.—To the maximum extent practicable, the Secretary shall cooperate with appropriate private sector participants to achieve a complete rare earth materials production capability in the United States within 5 years after the date of enactment of the Rare Earths and Critical Materials Revitalization Act of 2010.

"(d) DOMESTIC SUPPLY CHAIN.—In support of the objective in subsection (c) to achieve a rare earth materials production capability in the United States that includes the complete value chain described in paragraphs (1) through (4) of subsection (a), the Secretary may not award a guarantee for a project unless the project's proponent provides to the Secretary an assurance that the loan or guarantee shall be used to support the separation, recovery, preparation, or manufacturing of rare earth materials in the United States for customers within the United States unless insufficient domestic demand for such materials results in excess capacity.

"(e) SUNSET.—The authority to enter into guarantees under this section shall expire on September 30, 2015.".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy Act of 2005 is amended by inserting after the item relating to section 1705 the following new item:

"Sec. 1706. Temporary program for rare earth materials revitalization.".

TITLE II—NATIONAL MATERIALS AND MINERALS POLICY, RESEARCH, AND DEVELOPMENT

SEC. 201. AMENDMENTS TO NATIONAL MATERIALS AND MINERALS POLICY, RESEARCH AND DEVELOPMENT ACT OF 1980.

(a) PROGRAM PLAN.—Section 5 of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1604) is amended—

(1) by striking "date of enactment of this Act" each place it appears and inserting "date of enactment of the Rare Earths and Critical Materials Revitalization Act of 2010";

(2) in subsection (b), by striking "Federal Coordinating Council for Science, Engineering, and Technology" and inserting "National Science and Technology Council,";

(3) in subsection (c)—

(A) by striking "the Federal Emergency" and all that follows through "Agency, and";

(B) by striking "appropriate shall" and inserting "appropriate, shall";

(C) by striking paragraph (1);

(D) in paragraph (2), by striking "in the case" and all that follows through "subsection,"

(E) by redesignating paragraph (2) as paragraph (1); and

(F) by amending paragraph (3) to read as follows:

"(2) assess the adequacy, accessibility, and stability of the supply of materials necessary to maintain national security, economic well-being, and industrial production.";

(4) by striking subsections (d) and (e); and

(5) by redesignating subsection (f) as subsection (d).

(b) POLICY.—Section 3 of such Act (30 U.S.C. 1602) is amended—

(1) by striking "The Congress declares that it" and inserting "It"; and

(2) by striking "The Congress further declares that implementation" and inserting "Implementation".

(c) IMPLEMENTATION.—Section 4 of such Act (30 U.S.C. 1603) is amended—

(1) by striking "For the purpose" and all that follows through "declares that the" and inserting "The"; and

(2) by striking "departments and agencies," and inserting "departments and agencies to implement the policies set forth in section 3".

SEC. 202. REPEAL.

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.

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 Texas.

GENERAL LEAVE

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.R. 6160, the bill now under consideration.

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

There was no objection.

Mr. GORDON of Tennessee. Madam Speaker, 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 recapture 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 warning us about the danger of our reliance on China for a little-known but critical class of raw materials called ''rare earths.'' Rare earths are an essential component of technologies in a wide array of emerging and established industries. And, for everything from oil refining to hybrid cars, wind turbines to weapon systems, computer monitors to disk drives, the future demand for rare earths is only expected to grow. However, despite the U.S. at one time being the leader in this field, China now controls 97 percent of the global market. Making matters more urgent, China has begun limiting production and export of rare earths. This is clearly an untenable position for the U.S.

This is not the first time the Congress has been concerned with the competitive implications of materials such as rare earths. In 1980—30 years ago—we 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.

Furthermore, 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.

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.

The legislation before us today, H.R. 6160, the Rare Earths and Critical Materials Revitalization Act of 2010, deals with a very important matter of potential concern to national security and to the economy. Rare earths are used in many different high-tech applications, including certain military and weapons systems, and China controls the bulk of world supply and recently announced its intention to reduce exports, triggering concerns that the U.S. could face a supply gap. This is clearly an important issue that warrants our attention.

The obvious question we face now is how best to address this concern. H.R. 6160 intends to do so through establishment of a rare earths materials research and development program and authorization of loan guarantees to support rare earth minerals mining, processing, and production activities. Notwithstanding the clear and significant potential for a rare earth supply shortage, during the committee markup of this bill Republicans questioned whether the activities called for in H.R. 6160 provide the appropriate policy response to this issue. I will summarize these concerns as they were noted in the additional GOP views included in the report on the bill.

To the extent that a rare earth supply gap may present national security concerns, such concerns should probably be addressed through the Department of Defense and the House and Senate Armed Services Committees.

With respect to commercial supply needs, taxpayer subsidies in the form of loan guarantees should be restricted to those areas not undertaken by the private sector. This principle is particularly important in the case of rare earths due to the aggressive private pursuit of rare earth mining opportunities in response to recent price increases. Unfortunately, an amendment to address this concern was defeated in committee.

I am pleased, however, that several other Republican amendments to improve H.R. 6160 were approved with bipartisan support, specifically amendments to, one, eliminate funding authorizations for R&D activities; two, elimination of a rare earth ''R&D Information Center''; three, limit loan guarantee support for the exportation of unprocessed rare earth materials necessary to meet domestic demand; and, four, reduce the length of authorization for rare earth loan guarantees from 8 years to 5 years.

Further, modified language addressing additional Republican concerns related to the international collaboration was worked out following the markup, and I thank Chairman GORDON for working with our side of the aisle to improve this provision.

□ 1650

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. GORDON of Tennessee. I yield such time as she may consume to the lead sponsor of this good bill, the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. Madam Speaker, I want to thank the leadership of the House and, particularly, Chairman GORDON and Ranking Member HALL for allowing this bill to come forward. I think it is a very important piece of legislation for, certainly, the national defense and the economy of our country.

I ask: What would happen to our national defense if we could no longer build a jet engine, vehicle batteries or advanced targeting systems? What are the chances that our country would become energy independent if we could not produce hybrid cars, wind turbines or other alternative energy products? What would happen to our economy if the technologies we depend on to make business work were no longer available?

These are questions we would have to answer if China cut off our supply of rare earth materials—vital components to nearly every piece of advanced technology we use in our national defense and throughout business and industry.

For the past decade, the United States has been almost entirely dependent on China for its supply of rare earth materials despite the fact that we have an abundant reserve of these materials within our own borders. China currently accounts for as much as 90 percent of the world's available supply of rare earth materials, but they are reducing the amount of these materials going into the global market. Just this summer, China announced it would cut its rare earth exports for the second half of 2010 by 72 percent.

The bottom line is this: China is cornering the market on rare earth materials, and we, the United States, are falling behind. That is why we need to act now to begin the process of creating our own domestic supply of rare earth materials so the United States is never dependent on China or on any other country for crucial components for our national security.

My bill, H.R. 6160, the Rare Earths and Critical Materials Revitalization Act, is a bipartisan plan to jump-start U.S. research and development in rare earth materials to improve our ability to find, extract, process, and use rare earths to improve products. We want to ultimately create a robust domestic supply of rare earths.

My legislation will foster a strong rare earths industry here in the United

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 help 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 capacities 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 to 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 territory 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. DAHLKEMPER) 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 the 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 transportation 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 will have access 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 we can only do so much. 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 that are 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 of the most 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 is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 6160, 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. GORDON of Tennessee. Madam 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.

□ 1700

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 part A of 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 Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6200

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 (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

''(c) ANNUAL REPORT.—Each entity awarded a grant, cooperative agreement, or 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 obligation to such State or private agency or organization until the end of the succeeding fiscal year. Any such amount remaining available for obligation during such succeeding fiscal year 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.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to amounts allotted under section 1149 of the Social Security Act for payment for a fiscal year after fiscal year 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from Texas (Mr. SAM JOHNSON) 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 have 5 legislative days in which to revise 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 team effort 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 EARL POMEROY, 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 we 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 about 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 budgeting 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 included in the bill for these two programs is $30 million. This 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. 6200.

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.

REGULATED INVESTMENT COMPANY MODERNIZATION ACT OF 2010

Mr. NEAL. 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 1. 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-thru 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 INVESTMENT 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 determined on basis of taxes paid by regulated investment company.
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.

TITLE I—CAPITAL LOSS CARRYOVERS OF REGULATED INVESTMENT COMPANIES

SEC. 101. CAPITAL LOSS CARRYOVERS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Subsection (a) of section 1212 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) REGULATED INVESTMENT COMPANIES.—

''(A) IN GENERAL.—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 loss to which paragraph (1) applies is carried over 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).

''(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 (other than a net capital loss to which paragraph (3)(A) applies)' for 'net capital loss for the loss year or any taxable year thereafter'.''.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 1212(a)(1) is amended to read as follows:

''(C) a capital loss carryover to each of the 10 taxable years succeeding the loss year, but only to the extent such loss is attributable to a foreign expropriation loss,''.

(2) 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 COMPANIES.

(a) GROSS INCOME TEST.—Subparagraph (A) of section 851(b)(2) is amended—

(1) by striking ''foreign currencies'' and inserting ''commodities'', and

(2) by striking ''or currencies'' and inserting ''or commodities''.

(b) REPEAL OF REGULATORY AUTHORITY TO EXCLUDE CERTAIN FOREIGN CURRENCY GAINS FROM QUALIFYING INCOME.—Subsection (b) of section 851 is amended by striking ''For purposes of paragraph (2), the Secretary may by regulation exclude from qualifying income 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 stock or securities).'' in the flush matter after paragraph (3).

(c) CONFORMING AMENDMENTS.—

(1) Subsection (h) of section 851 is amended by inserting ''(determined by substituting 'foreign currencies' for 'commodities' therein)'' after ''subsection (b)(2)(A)''.

(2) Paragraph (4) of section 7704(d) is amended by inserting ''(determined by substituting 'foreign currencies' for 'commodities' therein)'' after ''section 851(b)(2)(A)''.

(d) 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 GROSS INCOME AND ASSET TESTS.

(a) ASSET TEST.—Subsection (d) of section 851 is amended—

(1) by striking ''A corporation which meets'' and inserting the following:

''(1) IN GENERAL.—A corporation which meets'', and

(2) by adding at the end the following new paragraph:

''(2) SPECIAL RULES REGARDING FAILURE TO SATISFY REQUIREMENTS.—If paragraph (1) does not preserve 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 nevertheless 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 for such quarter, a description of each asset that causes the corporation to fail to satisfy the requirements of such subsection at the close of such quarter is set forth in a schedule for such quarter filed in the manner provided by the Secretary,

''(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 set forth on the schedule 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 and in the manner prescribed by the Secretary, or

''(II) the requirements of such subsection are otherwise met within the time period specified in subclause (I).

''(B) RULE FOR CERTAIN DE MINIMIS 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 done, or

''(II) $10,000,000, and

''(ii)(I) the corporation, following the identification of such failure, 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 subclause (I).

''(C) TAX.—

''(i) TAX IMPOSED.—If subparagraph (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 assets described in the schedule specified in subparagraph (A)(i) for the period specified in clause (ii) by the highest rate of tax specified in section 11.

''(ii) PERIOD.—For purposes of clause (i)(II), the period described in this clause is the period beginning on the first date that the failure to satisfy the requirements of subsection (b)(3) occurs as a result of the ownership of such assets and ending on the earlier of the date on which the corporation disposes of such assets or the end of the first quarter when there is no longer a failure to satisfy such subsection.

''(iii) ADMINISTRATIVE PROVISIONS.—For purposes of subtitle F, a tax imposed by this subparagraph 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 nevertheless be considered to have satisfied the requirement of such paragraph for such taxable year if—

''(A) following the corporation's identification of the 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) 1/9 of the gross income of such company which is derived from such sources.''.

(c) DEDUCTION OF TAXES PAID FROM INVESTMENT COMPANY TAXABLE 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

SEC. 301. MODIFICATION OF DIVIDEND DESIGNATION REQUIREMENTS AND ALLOCATION RULES FOR REGULATED INVESTMENT COMPANIES.

(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.—For purposes of this part—

''(i) IN GENERAL.—Except as provided in clause (ii), a capital gain dividend is any dividend, or part thereof, which is reported by the company as a capital gain dividend in written statements furnished to its shareholders.

''(ii) EXCESS REPORTED AMOUNTS.—If the aggregate reported amount with respect to the company for any taxable year exceeds the net capital gain of the company for such taxable year, a capital gain dividend is the excess of—

''(I) the reported capital gain dividend amount, over

''(II) the excess reported amount which is allocable to such reported capital gain dividend amount.

''(iii) ALLOCATION OF EXCESS REPORTED AMOUNT.—

''(I) IN GENERAL.—Except as provided in subclause (II), the excess reported amount (if any) which is allocable to the reported capital gain dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported amount as the reported capital gain dividend amount bears to the aggregate reported 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 by substituting 'post-December reported amount' for 'aggregate reported amount' and no excess reported amount shall be allocated to any dividend paid on or before December 31 of such taxable year.

''(iv) DEFINITIONS.—For purposes of this subparagraph—

''(I) REPORTED CAPITAL GAIN DIVIDEND AMOUNT.—The term 'reported capital gain dividend amount' means the amount reported to its shareholders under clause (i) as a capital gain dividend.

''(II) 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.

''(III) AGGREGATE REPORTED AMOUNT.—The term 'aggregate reported amount' means the aggregate amount of dividends reported by the company under clause (i) as capital gain dividends for the taxable year (including capital gain dividends paid after the close of the taxable year described in section 855).

''(IV) POST-DECEMBER REPORTED AMOUNT.—The term 'post-December reported amount' means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

''(v) ADJUSTMENT FOR DETERMINATIONS.—If there is an increase in the excess described in subparagraph (A) for the taxable year which results from a determination (as defined in section 860(e)), the company may, subject to the limitations of this subparagraph, increase the amount of capital gain dividends reported under clause (i).

''(vi) SPECIAL RULE FOR LOSSES LATE IN THE CALENDAR YEAR.—For special rule for certain losses after October 31, see paragraph (8).''.

(2) CONFORMING AMENDMENT.—Subparagraph (B) of section 860(f)(2) is amended by inserting ''or reported (as the case may be)'' after ''designated''.

(b) EXEMPT-INTEREST DIVIDENDS.—Subparagraph (A) of section 852(b)(5) is amended to read as follows:

''(A) DEFINITION OF EXEMPT-INTEREST DIVIDEND.—

''(i) IN GENERAL.—Except as provided in clause (ii), an exempt-interest dividend is any dividend or part thereof (other than a capital gain dividend) paid by a regulated investment company and reported by the company as an exempt-interest dividend in written statements furnished to its shareholders.

''(ii) EXCESS REPORTED AMOUNTS.—If the aggregate reported amount with respect to the company for any taxable year exceeds the exempt interest of the company for such taxable year, an exempt-interest dividend is the excess of—

''(I) the reported exempt-interest dividend amount, over

''(II) the excess reported amount which is allocable to such reported exempt-interest dividend amount.

''(iii) ALLOCATION OF EXCESS REPORTED AMOUNT.—

''(I) IN GENERAL.—Except as provided in subclause (II), the excess reported amount (if any) which is allocable to the reported exempt-interest dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported amount as the reported exempt-interest dividend amount bears to the aggregate reported 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 by substituting 'post-December reported amount' for 'aggregate reported amount' and no excess reported amount shall be allocated to any dividend paid on or before December 31 of such taxable year.

''(iv) DEFINITIONS.—For purposes of this subparagraph—

''(I) REPORTED EXEMPT-INTEREST DIVIDEND AMOUNT.—The term 'reported exempt-interest dividend amount' means the amount reported to its shareholders under clause (i) as an exempt-interest dividend.

''(II) EXCESS REPORTED AMOUNT.—The term 'excess reported amount' means the excess of the aggregate reported amount over the exempt interest of the company for the taxable year.

''(III) AGGREGATE REPORTED AMOUNT.—The term 'aggregate reported amount' means the aggregate amount of dividends reported by the company under clause (i) as exempt-interest dividends for the taxable year (including exempt-interest dividends paid after the close of the taxable year described in section 855).

''(IV) POST-DECEMBER REPORTED AMOUNT.—The term 'post-December reported amount' means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

''(V) EXEMPT INTEREST.—The term 'exempt interest' means, with respect to any regulated investment company, the excess of the amount of interest excludable from gross income under section 103(a) over the amounts disallowed as deductions under sections 265 and 171(a)(2).''.

(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 the taxable year'' and inserting ''so reported by the company in a written statement furnished to such shareholder'', and

(B) by striking ''NOTICE'' in the heading and inserting ''STATEMENTS''.

(2) CONFORMING AMENDMENTS.—Subsection (d) of section 853 is amended—

(A) by striking ''and the notice to shareholders required by subsection (c)'' in the text thereof, and

(B) by striking ''AND NOTIFYING SHAREHOLDERS'' in the heading thereof.

(d) CREDITS FOR TAX CREDIT BONDS.—

(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 ''NOTICE'' in the heading and inserting ''STATEMENTS''.

(2) CONFORMING AMENDMENTS.—Subsection (d) of section 853A is amended—

(A) by striking ''and the notice to shareholders required by subsection (c)'' in the text thereof, and

(B) by striking ''AND 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 under this subparagraph by the regulated investment company'' in subparagraph (A) and inserting ''reported by the regulated investment company as eligible for such deduction in written statements furnished to its shareholders'',

(B) by striking ''designated by the regulated investment company'' in subparagraph (B)(i) and inserting ''reported by the regulated investment company as qualified dividend income in written statements furnished to its shareholders'',

(C) by striking ''designated'' in subparagraph (C)(i) and inserting ''reported'', and

(D) by striking ''designated'' in subparagraph (C)(ii) and inserting ''reported''.

(2) CONFORMING AMENDMENTS.—Subsection (b) of section 854 is amended by striking paragraph (2) and by redesignating paragraphs (3), (4), and (5), as paragraphs (2), (3), and (4), respectively.

(f) DIVIDENDS PAID TO CERTAIN FOREIGN PERSONS.—

(1) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) is amended by striking all that precedes ''any taxable year of the company beginning'' and inserting the following:

''(C) INTEREST-RELATED DIVIDEND.—For purposes of this paragraph—

''(i) IN GENERAL.—Except as provided in clause (ii), an interest related dividend is any dividend, or part thereof, which is reported by the company as an interest related dividend in written statements furnished to its shareholders.

''(ii) EXCESS REPORTED AMOUNTS.—If the aggregate reported amount with respect to the company for any taxable year exceeds the qualified net interest income of the company for such taxable year, an interest related dividend is the excess of—

''(I) the reported interest related dividend amount, over

''(II) the excess reported amount which is allocable to such reported interest related dividend amount.

''(iii) ALLOCATION OF EXCESS REPORTED AMOUNT.—

''(I) IN GENERAL.—Except as provided in subclause (II), the excess reported amount (if any) which is allocable to the reported interest related dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported amount as the reported interest related dividend amount bears to the aggregate reported 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 by substituting 'post-December reported amount' for 'aggregate reported amount' and no excess reported amount shall be allocated to any dividend paid on or before December 31 of such taxable year.

''(iv) DEFINITIONS.—For purposes of this subparagraph—

''(I) REPORTED INTEREST RELATED DIVIDEND AMOUNT.—The term 'reported interest related dividend amount' means the amount reported to its shareholders under clause (i) as an interest related dividend.

''(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 for the taxable year.

''(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 (including interest related dividends paid after the close of the taxable year described in section 855).

''(IV) POST-DECEMBER REPORTED AMOUNT.—The term 'post-December reported amount' means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

''(v) TERMINATION.—The term 'interest related dividend' shall not include any dividend with respect to''.

(2) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) is amended by striking all that precedes ''any taxable year of the company beginning'' and inserting the following:

''(C) SHORT-TERM CAPITAL GAIN DIVIDEND.—For purposes of this paragraph—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'short-term capital gain dividend' means any dividend, or part thereof, which is reported by the company as a short-term capital gain dividend in written statements furnished to its shareholders.

''(ii) EXCESS REPORTED AMOUNTS.—If the aggregate reported amount with respect to the company for any taxable year exceeds the qualified short-term gain of the company for such taxable year, the term 'short-term capital gain dividend' means the excess of—

''(I) the reported short-term capital gain dividend amount, over

''(II) the excess reported amount which is allocable to such reported short-term capital gain dividend amount.

''(iii) ALLOCATION OF EXCESS REPORTED AMOUNT.—

''(I) IN GENERAL.—Except as provided in subclause (II), the excess reported amount (if any) which is allocable to the reported short-term capital gain dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported amount as the reported short-term capital gain dividend amount bears to the aggregate reported 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 by substituting 'post-December reported amount' for 'aggregate reported amount' and no excess reported amount shall be allocated to any dividend paid on or before December 31 of such taxable year.

''(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 dividend.

''(II) EXCESS REPORTED AMOUNT.—The term 'excess reported amount' means the excess of the aggregate reported amount over the qualified short-term gain of the company for the taxable year.

''(III) AGGREGATE REPORTED AMOUNT.—The term 'aggregate reported amount' means the aggregate amount of dividends reported by the company under clause (i) as short-term capital gain dividends for the taxable year (including short-term capital gain dividends paid after the close of the taxable year described in section 855).

''(IV) POST-DECEMBER REPORTED AMOUNT.—The term 'post-December reported amount' means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

''(v) TERMINATION.—The term 'short-term capital gain dividend' shall not include any dividend with respect to''.

(g) CONFORMING AMENDMENTS.—Section 855 is amended—

(1) by striking subsection (c) and redesignating subsection (d) as subsection (c), and

(2) by striking '', (c) and (d)'' in subsection (a) and inserting ''and (c)''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(i) APPLICATION OF JGTRRA SUNSET.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 shall apply to the amendments made by subparagraphs (B) and (D) of subsection (e)(1) to the same extent and in the same manner as section 303 of such Act applies to the amendments made by section 302 of such Act.

SEC. 302. EARNINGS AND PROFITS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraph (1) of section 852(c) is amended to read as follows:

''(1) TREATMENT OF NONDEDUCTIBLE ITEMS.—

''(A) NET CAPITAL LOSS.—If a regulated investment company has a net capital loss for any taxable year—

''(i) such net capital loss shall not be taken into account for purposes of determining the company's earnings and profits, and

''(ii) any capital loss arising on the first day of the next taxable year by reason of clause (ii) or (iii) of section 1212(a)(3)(A) shall be treated as so arising for purposes of determining earnings and profits.

''(B) OTHER NONDEDUCTIBLE ITEMS.—

''(i) IN GENERAL.—The earnings and profits of a regulated investment company for any taxable year (but not its accumulated earnings and profits) shall not be reduced by any amount which is not allowable as a deduction (other than by reason of section 265 or 171(a)(2)) in computing its taxable income for such taxable year.

''(ii) COORDINATION WITH TREATMENT OF NET CAPITAL LOSSES.—Clause (i) shall not apply to a net capital loss to which subparagraph (A) applies.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 852 is amended by adding at the end the following new paragraph:

''(4) REGULATED INVESTMENT COMPANY.—For purposes of this subsection, the term 'regulated investment company' includes a domestic corporation which is a regulated investment company determined without regard to the requirements of subsection (a).''.

(2) Paragraphs (1)(A) and (2)(A) of section 871(k) are each amended by inserting ''which meets the requirements of section 852(a) for the taxable year with respect to which the dividend is paid'' before the period at the end.

(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. 303. PASS-THRU OF EXEMPT-INTEREST DIVIDENDS AND FOREIGN TAX CREDITS IN FUND OF FUNDS STRUCTURE.

(a) IN GENERAL.—Section 852 is amended by adding at the end the following new subsection:

''(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 satisfies 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 requirement of subsection (a)(1) thereof.

''(2) QUALIFIED FUND OF FUNDS.—For purposes 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 interests in other regulated investment companies.''.

(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. 304. MODIFICATION OF RULES FOR SPILLOVER DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) DEADLINE FOR DECLARATION OF DIVIDEND.—Paragraph (1) of section 855(a) is amended to read as follows:

''(1) declares a dividend before the later of—

''(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 company'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 (2) of section 855(a) is amended by striking ''the first regular dividend payment'' and inserting ''the first dividend payment of the same type of dividend''.

(c) SHORT-TERM CAPITAL GAIN.—Subsection (a) of section 855 is amended by adding at the end the following: ''For purposes of paragraph (2), a dividend attributable to any short-term capital gain with respect to which a notice is required under the Investment Company Act of 1940 shall be treated as the same type of dividend as a capital gain dividend.''.

(d) 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 REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Subsection (b) of section 316 is amended by adding at the end the following new paragraph:

''(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 made 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.—

(1) IN GENERAL.—Subsection (b) of section 302 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) 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.''.

(2) CONFORMING AMENDMENT.—Subsection (a) of section 302 is amended by striking ''or (4)'' and inserting ''(4), or (5)''.

(b) LOSSES ON REDEMPTIONS 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, subsection (a)(1) 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 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 LATE-YEAR LOSSES OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraph (8) of section 852(b) is amended to read as follows:

''(8) ELECTIVE DEFERRAL OF CERTAIN LATE-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 title.

''(B) QUALIFIED LATE-YEAR LOSS.—For purposes of this paragraph, the term 'qualified late-year loss' means—

''(i) any post-October capital loss, and

''(ii) any late-year ordinary loss.

''(C) POST-OCTOBER CAPITAL LOSS.—For purposes of this paragraph, the term 'post-October capital loss' means the greatest of—

''(i) the net capital loss attributable to the portion of the taxable year after October 31,

''(ii) the net long-term capital loss attributable to such portion of the taxable year, or

''(iii) the net short-term capital loss attributable to such portion of the taxable year.

''(D) LATE-YEAR ORDINARY LOSS.—For purposes of this paragraph, the term 'late-year ordinary loss' means the excess (if any) of—

''(i) the sum of—

''(I) the specified losses (as defined in section 4982(e)(5)(B)(ii)) attributable to the portion of the taxable year after October 31, plus

''(II) the ordinary losses not described in subclause (I) attributable to the portion of the taxable year after December 31, over

''(ii) the sum of—

''(I) the specified gains (as defined in section 4982(e)(5)(B)(i)) attributable to the portion of the taxable year after October 31, plus

''(II) the ordinary income not described in subclause (I) attributable to the portion of the taxable year after December 31.

''(E) SPECIAL RULE FOR COMPANIES DETERMINING REQUIRED CAPITAL GAIN DISTRIBUTIONS ON TAXABLE YEAR BASIS.—In the case of a company to which an election under section 4982(e)(4) applies—

''(i) if such company's taxable year ends with the month of November, the amount of qualified late-year losses (if any) shall be computed without regard to any income, gain, or loss described in subparagraphs (C), (D)(i)(I), and (D)(ii)(I), and

''(ii) if such company's taxable year ends with the month of December, subparagraph (A) shall not apply.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 852 is amended by striking paragraph (10).

(2) Paragraph (2) of section 852(c) is amended by striking the first sentence and inserting the following: ''For purposes of applying this chapter to distributions made by a regulated investment company with respect to any calendar year, the earnings and profits of such company shall be determined without regard to any net capital loss attributable to the portion of the taxable year after October 31 and without regard to any late-year ordinary loss (as defined in subsection (b)(8)(D)).''

(3) Subparagraph (D) of section 871(k)(2) is amended by striking the last two sentences and inserting the following: ''For purposes of this subparagraph, the net short-term capital gain of the regulated investment company shall be computed by treating any short-term capital gain dividend includible in gross income with respect to stock of another regulated investment company as a short-term capital gain.''.

(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. 309. EXCEPTION TO HOLDING PERIOD REQUIREMENT FOR CERTAIN REGULARLY DECLARED EXEMPT-INTEREST DIVIDENDS.

(a) IN GENERAL.—Subparagraph (E) of section 852(b)(4) is amended by striking all that precedes ''In the case of a regulated investment company'' and inserting the following:

''(E) EXCEPTION TO HOLDING PERIOD REQUIREMENT FOR CERTAIN REGULARLY DECLARED EXEMPT-INTEREST DIVIDENDS.—

''(i) DAILY DIVIDEND COMPANIES.—Except as otherwise provided by regulations, subparagraph (B) shall not apply with respect to a regular dividend paid by a regulated investment company which declares exempt-interest dividends on a daily basis in an amount equal to at least 90 percent of its net tax-exempt interest and distributes such dividends on a monthly or more frequent basis.

''(ii) AUTHORITY TO SHORTEN REQUIRED HOLDING PERIOD WITH RESPECT TO OTHER COMPANIES.—''.

(b) CONFORMING AMENDMENT.—Clause (ii) 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 losses incurred on shares of stock for which the taxpayer's holding period begins 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 ''either'' in the matter preceding paragraph (1),

(2) by striking ''or'' at the end of paragraph (1),

(3) by striking the period at the end of paragraph (2), and

(4) by inserting after paragraph (2) the following new paragraphs:

''(3) any other tax-exempt entity whose ownership of beneficial interests in the company would not preclude the application of section 817(h)(4), or

''(4) another regulated investment company described in this subsection.''.

(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. 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 1296(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 1296(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), subparagraph (A) shall be applied by substituting the last day of the company's taxable year for October 31.

''(6) TREATMENT OF MARK TO MARKET GAIN.—

''(A) IN GENERAL.—For purposes of determining a regulated investment company's ordinary income, notwithstanding paragraph (1)(C), each specified mark to market provision shall be applied as if such company's taxable year ended on October 31. In the case of a company making an election under paragraph (4), the preceding sentence shall be applied by substituting the last day of the company's taxable year for October 31.

''(B) SPECIFIED MARK TO MARKET PROVISION.—For purposes of this paragraph, the term 'specified mark to market provision' means sections 1256 and 1296 and any other provision of this title (or regulations thereunder) which treats property as disposed of on the last day of the taxable year.

''(7) ELECTIVE DEFERRAL OF CERTAIN ORDINARY LOSSES.—Except as provided in regulations prescribed by the Secretary, in the case of a regulated investment company which has a taxable year other than the calendar year—

''(A) such company may elect to determine its ordinary income for the calendar year without regard to any net ordinary loss (determined without regard to specified gains and losses taken into account under paragraph (5)) which is attributable to the portion of such calendar year which is after the beginning of the taxable year which begins in such calendar year, and

''(B) any amount of net ordinary loss not taken into account for a calendar year by reason of subparagraph (A) shall be treated as arising on the 1st day of the following calendar year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar 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 COMPANY.

(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 company for 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. INCREASE IN REQUIRED DISTRIBUTION OF CAPITAL GAIN NET INCOME.

(a) IN GENERAL.—Subparagraph (B) of section 4982(b)(1) is amended by striking ''98 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 68 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 (j).

(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. 502. MODIFICATION OF SALES LOAD BASIS DEFERRAL RULE FOR REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Subparagraph (C) of section 852(f)(1) is amended by striking ''subsequently 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 section shall apply 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 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.

GENERAL LEAVE

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 might 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 pooling and diversification. Indeed, it invites the term ''mutualization.'' Today, more than 50 million households invest through mutual funds with a median household income of $80,000. 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 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, 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 trade association for mutual funds, more than 50 million American families currently invest in mutual funds.

Most of the current law mutual fund rules were last 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 we are 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 tax law to ensure 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,
Washington, DC, September 28, 2010.

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 SPEAKER PELOSI AND REPUBLICAN LEADER 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. These laws 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 more than 60 years. Numerous developments during the past 20-plus years—including the development of new fund structures and distribution channels—have placed considerable stress 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, create remedies for inadvertent mutual find qualification failures, improve 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, clarify, and streamline the 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.

I reserve the balance of my time.

Mr. NEAL. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, we held a hearing on this bill. It is well received by the investors; it is well received by the mutual fund companies, and it certainly received no negative commentary in the House. Why cannot we just come to this floor and speak to the issue at hand?

I worked hard on this piece of legislation with Mr. TIBERI for a long period of time. This is the legislation that's in front of this Congress at this particular time. It was well met because it was fully vetted in the committee with sufficient opportunity for any- and everyone to comment on it.

This is a product that we should be proud of. For the first time in two decades, we are modernizing issues that relate to the industry that many, if not millions, of Americans come to depend upon for retirement. I don't understand why there would be any additional argument made on any other piece of legislation that was being considered when, in fact, this is the matter that's before us at this particular time.

I reserve the balance of my time.

□ 1710

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

Mr. NEAL. Madam Speaker, I have no further requests for time, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. NEAL) that the House suspend the rules and pass the bill, H.R. 4337, 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.

ALGAE-BASED RENEWABLE FUEL PROMOTION ACT OF 2010

Mr. VAN HOLLEN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4168) to amend the Internal Revenue Code of 1986 to expand the definition of cellulosic biofuel to include algae-based biofuel for purposes of the cellulosic biofuel producer credit and the special allowance for cellulosic biofuel plant property, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4168

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 ''Algae-based Renewable Fuel Promotion Act of 2010''.

SEC. 2. ALGAE TREATED AS A QUALIFIED FEEDSTOCK FOR PURPOSES OF THE CELLULOSIC BIOFUEL PRODUCER CREDIT, ETC.

(a) IN GENERAL.—Subclause (I) of section 40(b)(6)(E)(i) of the Internal Revenue Code of 1986 is amended to read as follows:

''(I) is derived solely from qualified feedstocks, and''.

(b) QUALIFIED FEEDSTOCK; SPECIAL RULES FOR ALGAE.—Paragraph (6) of section 40(b) of such Code is amended by redesignating subparagraphs (F), (G), and (H) as subparagraphs (H), (I), and (J), respectively, and by inserting after subparagraph (E) the following new subparagraphs:

''(F) QUALIFIED FEEDSTOCK.—For purposes of this paragraph, the term 'qualified feedstock' means—

''(i) any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, and

''(ii) any cultivated algae, cyanobacteria, or lemna.

''(G) SPECIAL RULES FOR ALGAE.—In the case of fuel which is derived from feedstock described in subparagraph (F)(ii) and which is sold by the taxpayer to another person for refining by such other person into a fuel which meets the requirements of subparagraph (E)(i)(II)—

''(i) such sale shall be treated as described in subparagraph (C)(i),

''(ii) such fuel shall be treated as meeting the requirements of subparagraph (E)(i)(II) in the hands of such taxpayer, and

''(iii) except as provided in this subparagraph, such fuel (and any fuel derived from such fuel) shall not be taken into account under subparagraph (C) with respect to the taxpayer or any other person.''.

(c) ALGAE TREATED AS A QUALIFIED FEEDSTOCK FOR PURPOSES OF BONUS DEPRECIATION FOR BIOFUEL PLANT PROPERTY.—

(1) IN GENERAL.—Subparagraph (A) of section 168(l)(2) of such Code is amended by striking ''solely to produce cellulosic biofuel'' and inserting ''solely to produce second generation biofuel (as defined in section 40(b)(6)(E)''.

(2) CONFORMING AMENDMENTS.—Subsection (l) of section 168 of such Code is amended—

(A) by striking ''cellulosic biofuel'' each place it appears in the text thereof and inserting ''second generation biofuel'',

(B) by striking paragraph (3) and redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively,

(C) by striking ''CELLULOSIC'' in the heading of such subsection and inserting ''SECOND GENERATION'', and

(D) by striking ''CELLULOSIC'' in the heading of paragraph (2) and inserting ''SECOND GENERATION''.

(d) CONFORMING AMENDMENTS.—

(1) Section 40 of such Code, as amended by subsection (b), is amended—

(A) by striking ''cellulosic biofuel'' each place it appears in the text thereof and inserting ''second generation biofuel'',

(B) by striking ''CELLULOSIC'' in the headings of subsections (b)(6), (b)(6)(E), and (d)(3)(D) and inserting ''SECOND GENERATION'', and

(C) by striking ''CELLULOSIC'' in the headings of subsections (b)(6)(C), (b)(6)(D), (b)(6)(H), (d)(6), and (e)(3) and inserting ''SECOND GENERATION''.

(2) Clause (ii) of section 40(b)(6)(E) of such Code is amended by striking ''Such term shall not'' and inserting ''The term 'second generation biofuel' shall not''.

(3) Paragraph (1) of section 4101(a) of such Code is amended by striking ''cellulosic biofuel'' and inserting ''second generation biofuel''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuels sold or used after the date of the enactment of this Act.

(2) APPLICATION TO BONUS DEPRECIATION.—The amendments made by subsection (c) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 3. 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 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 Maryland (Mr. VAN HOLLEN) and the gentleman from Michigan (Mr. CAMP) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. VAN HOLLEN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include any extraneous material in the CONGRESSIONAL RECORD.

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.

With that, I yield 5 minutes to my colleague Congressman HARRY TEAGUE of New Mexico and thank him for his extraordinary leadership on this bipartisan initiative.

Mr. TEAGUE. Madam Speaker, I am an oil man. I always have been and always will be. When I was 9 years old, we moved from Caddo County, Oklahoma, to Hobbs, New Mexico, so my daddy could get a job in the oil patch. A few years later, at age 17, with my parents sick and the bills still needing to get paid, I went to work in the oil fields to earn a paycheck and support the family. Eventually, I built a small business from the ground up; and we employed 250 people, drilling oil and gas wells for other people and fixing them when they were broke.

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's a critical 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 resources that my State also possesses in great abundance. And, unfortunately for thousands of New Mexicans looking for work today, we have failed to create those alternative energy jobs.

Madam Speaker, if we want to create our energy jobs here in America and stop sending a billion dollars to countries like Saudi Arabia and Venezuela every day, we need a ''Do it all, do it in America'' energy policy. We need to drill for more oil and natural gas. We need to build new nuclear facilities. We need to capture the wind, the sun, and the Earth's geothermal heat for electricity. We need to produce billions of gallons of liquid biofuels to burn in cars, trucks, and airplane engines, and we need to do it right here in America.

Madam Speaker, a pillar of a ''Do it all, do it in America'' approach to energy is producing biofuels from algae. Algal biofuels have high energy density and the near-term potential to produce more energy in a small footprint than earlier generation biofuels. They can be grown using brackish water not suitable for human consumption and on land not suitable for agriculture. And all the algae needs is ample sunlight and a source of nutrition, like cow manure, to grow and get fat with oil.

Although the companies and researchers that are now producing algal biofuels have intensively experimented with various techniques and algae breeds over many years, when it comes down to it, getting oil out of algae is pretty simple: You dig a pond, line it, and fill it with water. You fill the pond with algae, keep them fed. When the algae are good and fat, you squeeze the oil out of the organisms. And depending on your technology, you put it right to use or refine it into gasoline, diesel, or jet fuel. Additionally, many algal biofuels are designed to function on a drop-in basis, so you can pour green crude right into the pipeline or tanker truck coming out of the oil patch. This means we can replace imported oil with homegrown fuel without costly investments in new refining and transportation infrastructure.

My district of southern New Mexico is among the many areas across the country primed to become a center for algal biofuel production and job creation. Our wide open spaces, ample sunlight, and brackish water make us the perfect place to produce our Nation's next generation of biofuels. We already have algal biofuel facilities in Dona Ana County and Eddy County. Luna County will soon be home to another facility which will create 700 jobs when it breaks ground this fall. The potential, though, is so much greater. Algal biofuels are poised to power America with homegrown energy on a large scale.

However, algal biofuels face an uneven playing field within our Nation's energy policy framework, most notably in our tax code. Under current law, algal biofuels do not qualify for tax incentives that currently benefit other biofuels, like cellulosic biofuels.

When these tax laws were written, cellulosic biofuels and biodiesel were the only renewable fuels on the lawmakers' radars and considered capable of actually reducing America's dependence on foreign oil. Since these laws were written, however, significant advances in the algae-based fuel industry have readied algae for prime time. Now, because algae has many advantages over cellulosic feedstocks and is operating on a near-term commercialization timeline similar to cellulosic fuels, algae-based fuel producers should receive tax incentives on par with those currently received by cellulosic biofuel producers.

H.R. 4168, the Algae-based Renewable Fuel Promotion Act, simply gives algal biofuels tax parity with cellulosic

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 materials, cultivated algae, cyanobacteria, and lemna. Beyond that, the bill does not distinguish among these feedstocks with regard to the manner of cultivation, including nutrients or other inputs used to develop the feedstock and the biofuel. It is the intent of this provision to encompass 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 to other countries, many 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 our economy and military needs.

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 from the committee, while the other provisions in that broader bill languish without so much as a committee markup.

□ 1720

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, a credit that has proved 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 ''black liquor,'' 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 efforts 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 provides tax benefits for algae. And let me repeat: 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 such time as he 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, I know there is very little being brought forward, but at least we have something to discuss today. And I have to agree with my colleague that we wish the general tax cut, something that we hear all around, the American people want us to talk about.

But this is an item that hasn't been talked about enough anywhere. And I want to thank my colleague from New Mexico for cosponsoring this with me. And I want to congratulate the gentleman's State of New Mexico because, I tell you something, as a Californian, I am sort of envious. California spent lots of money on our universities, lots of money on our research. We have some of the best scientists in the world. And as the gentleman from New Mexico knows, our scientists in San Diego developed the ability to create this algae fuel, but, sadly, because of California's regulations and the lack of reform and its government oversight, the scientists in San Diego had to pack up and go to New Mexico to be able to produce this product. And the jobs will be created in New Mexico in the production because California hasn't reformed its government regulatory oversight.

And I think that is a challenge for all of us to look at that, hopefully, as the Federal Government will set an example that jobs aren't being taken overseas, because we are quick to write checks and maybe do research, but we are not quick at making the private sector viable to be able to create the jobs that all of us know the American people are desperate for.

You know, the algae-based fuel is one of the most promising fuels, 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 legally gasoline 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 total compatibility 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. You can transport 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 90 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.

Algae fuel has the ability to consume and sequester massive amounts of CO_2, something that other fuels do not have the capability of doing along the line at the capability that they have here. And the drop-in capability and the capability is something we do not talk enough about.

Algae fuels have been tested. We have had one aircraft that flew with algae fuel and not only was compatible, but was 4 percent more efficient than fossil fuels of comparable weight and volume.

And the fact is, Madam Speaker, that we have the ability now to even the playing field when it comes to taxes. Why should Washington continue to choose winners and have alternatives that should be allowed to win hamstrung and punished because they weren't here with their lobbyists years ago when these laws were passed?

This bill helps to correct the mistakes made in the past in our tax laws where Washington was choosing some to be winners and cutting out other people from participating in the system. We should allow winners to earn the right to be called winners and not be anointed by Washington or the legislators here in Washington. We should allow the technology and the products to compete on an open market, but equal tax benefits for everyone to be able to prove that America allows people to be innovative, to be creative, and we will not punish them just because they went down one technological road rather than the other.

Our Tax Code should be equal. It should be neutral, and it should be outcome-based, not profit-based and, most importantly, not Washington lobbying-based. This bill now equalizes that to some degree; and that degree, I think is appropriate at this time.

So it may not be doing everything we would like to do this week. It is not going to accomplish what I know we all know the American people want us 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 the jobs from this great technology breakthrough.

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

Mr. VAN HOLLEN. Madam Speaker, again, I want to thank the gentleman from New Mexico (Mr. TEAGUE) for this initiative and just respond to a couple of the points raised by Mr. CAMP, the ranking member of the Ways and Means Committee.

First, this piece of the energy bill was brought to the floor for two reasons. Number one, it has strong bipartisan support, as you heard. In addition to Mr. BILBRAY, Mrs. BONO MACK and Mr. DREIER are cosponsors of the legislation.

And, secondly, this piece has no cost associated with it. And so those two aspects of the bill made it a good candidate for coming forward.

Secondly, 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 remind the gentleman 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 could 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 has said it is time to put aside politics and get this done.

□ 1730

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 demand 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.

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 Maryland (Mr. VAN HOLLEN) that the House suspend the rules and pass the bill, H.R. 4168, 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.

REDUNDANCY ELIMINATION AND ENHANCED PERFORMANCE FOR PREPAREDNESS GRANTS ACT

Mr. CUELLAR. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3980) to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Redundancy Elimination and Enhanced Performance for Preparedness Grants Act''.

SEC. 2. IDENTIFICATION OF REPORTING REDUNDANCIES AND DEVELOPMENT OF PERFORMANCE METRICS FOR HOMELAND SECURITY PREPAREDNESS GRANT PROGRAMS.

(a) IN GENERAL.—Title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:

''SEC. 2023. IDENTIFICATION OF REPORTING REDUNDANCIES AND DEVELOPMENT OF PERFORMANCE METRICS.

''(a) DEFINITION.—In this section, the term 'covered grants' means grants awarded under section 2003, grants awarded under section 2004, and any other grants specified by the Administrator.

''(b) INITIAL REPORT.—Not later than 90 days after the date of enactment of the Redundancy Elimination and Enhanced Performance for Preparedness Grants Act, the Administrator shall submit to the appropriate committees of Congress a report that includes—

''(1) an assessment of redundant reporting requirements imposed by the Administrator on State, local, and tribal governments in connection with the awarding of grants, including—

''(A) a list of each discrete item of data requested by the Administrator from grant recipients as part of the process of administering covered grants;

''(B) identification of the items of data from the list described in subparagraph (A) that are required to be submitted by grant recipients on multiple occasions or to multiple systems; and

''(C) identification of the items of data from the list described in subparagraph (A) that are not necessary to be collected in order for the Administrator to effectively and efficiently administer the programs under which covered grants are awarded;

''(2) a plan, including a specific timetable, for eliminating any redundant and unnecessary reporting requirements identified under paragraph (1); and

''(3) a plan, including a specific timetable, for promptly developing a set of quantifiable performance measures and metrics to assess the effectiveness of the programs under which covered grants are awarded.

''(c) BIENNIAL REPORTS.—Not later than 1 year after the date on which the initial report is required to be submitted under subsection (b), and once every 2 years thereafter, the Administrator shall submit to the appropriate committees of Congress a grants management report that includes—

''(1) the status of efforts to eliminate redundant and unnecessary reporting requirements imposed on grant recipients, including—

''(A) progress made in implementing the plan required under subsection (b)(2);

''(B) a reassessment of the reporting requirements to identify and eliminate redundant and unnecessary requirements;

''(2) the status of efforts to develop quantifiable performance measures and metrics to assess the effectiveness of the programs under which the covered grants are awarded, including—

''(A) progress made in implementing the plan required under subsection (b)(3);

''(B) progress made in developing and implementing additional performance metrics and measures for grants, including as part of the comprehensive assessment system required under section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749); and

''(3) a performance assessment of each program under which the covered grants are awarded, including—

''(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 2022(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. 2023. 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 revise 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 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 Congressman 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 the support in moving this bill, plus the staff who has worked very hard.

This bill passed unanimously, and I ask that we concur with 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 this piece of legislation.

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 oftentimes 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.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of the Senate Amendment to H.R. 3980, the Redundancy Elimination and Enhanced Performance for Preparedness Grants Act.

I would like 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 provide 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 House unanimously passed H.R. 3980 on Dec. 2, 2009, and the Senate passed an amendment in the nature of a substitute for H.R. 3980 on September 22, 2010.

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. CUELLAR. 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. CUELLAR) 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.

REDUCING OVER-CLASSIFICATION ACT

Ms. HARMAN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 553) 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.

Congress 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 security, and needlessly 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 laws, executive orders, and other 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. 13526.—The term ''Executive Order No. 13526'' means Executive Order No. 13526 (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.

''(a) REQUIREMENT TO ESTABLISH.—The Secretary shall identify and designate within the Department a Classified Information Advisory Officer, as described in this section.

''(b) RESPONSIBILITIES.—The responsibilities of the Classified Information Advisory Officer shall be as follows:

''(1) 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 private sector entities—

''(A) in developing plans and policies to respond to requests related to classified information without communicating such information to individuals who lack appropriate security clearances;

''(B) regarding the appropriate procedures for challenging classification designations of information received by personnel of such entities; and

''(C) on the means by which such personnel may apply for security clearances.

''(2) To inform the Under Secretary for Intelligence and Analysis on policies and procedures that could facilitate the sharing of classified information with such personnel, as appropriate.

''(c) INITIAL DESIGNATION.—Not later than 90 days after the date of the enactment of the Reducing Over-Classification Act, the Secretary shall—

''(1) designate the initial Classified Information Advisory Officer; and

''(2) submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a written notification of the designation.''.

(b) CLERICAL 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 inserting after the item relating to section 210E the following:

''Sec. 210F. Classified Information Advisory Officer.''.

SEC. 5. INTELLIGENCE INFORMATION SHARING.

(a) DEVELOPMENT OF GUIDANCE FOR INTELLIGENCE PRODUCTS.—Paragraph (1) of section 102A(g) of the National Security Act of 1947 (50 U.S.C. 403–1(g)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period at the end and inserting a semicolon and ''and''; and

(3) by adding at the end the following:

''(G) in accordance with Executive Order No. 13526 (75 Fed. Reg. 707; relating to classified national security information) (or any subsequent corresponding executive order), and part 2001 of title 32, Code of Federal Regulations (or any subsequent corresponding regulation), establish—

''(i) guidance to standardize, in appropriate cases, the formats for classified and unclassified intelligence products created by elements of the intelligence community for purposes of promoting the sharing of intelligence products; and

''(ii) policies and procedures requiring the increased use, in appropriate cases, and including portion markings, of the classification of portions of information within one intelligence product.''.

(b) CREATION OF UNCLASSIFIED INTELLIGENCE PRODUCTS AS APPROPRIATE FOR STATE, LOCAL, TRIBAL, AND PRIVATE SECTOR STAKEHOLDERS.—

(1) RESPONSIBILITIES OF SECRETARY RELATING TO INTELLIGENCE AND ANALYSIS AND INFRASTRUCTURE PROTECTION.—Paragraph (3) of section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended to read as follows:

''(3) To integrate relevant information, analysis, and vulnerability assessments (regardless of whether such information, analysis or assessments are provided by or produced by the Department) in order to—

''(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.''.

(2) ITACG DETAIL.—Section 210D(d) of the Homeland Security Act of 2002 (6 U.S.C. 124k(d)) is amended—

(A) in paragraph (5)—

(i) in subparagraph (D), by striking ''and'' at the end;

(ii) by redesignating subparagraph (E) as subparagraph (F); and

(iii) by inserting after subparagraph (D) the following:

''(E) make recommendations, as appropriate, to the Secretary or the Secretary's designee, for the further dissemination of intelligence 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'';

(B) in paragraph (6)(C), 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:

''(8) compile an annual assessment of the ITACG Detail's performance, including summaries of customer feedback, in preparing, disseminating, and requesting 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 (c)(2).''.

(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 whether the detailees under subsection (d)(5) have appropriate access to all relevant information, as required by subsection (g)(2)(C).''.

SEC. 6. PROMOTION OF ACCURATE CLASSIFICATION OF INFORMATION.

(a) INCENTIVES FOR ACCURATE CLASSIFICATIONS.—In making cash awards under chapter 45 of title 5, United States Code, the President or the head of an Executive agency with an officer or employee who is authorized to make original classification decisions or derivative classification decisions may consider such officer's or employee's consistent and proper classification of information.

(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 officer or employee who is authorized to make original classifications, in consultation with the Information Security Oversight Office, shall carry out no less than two evaluations of that department or agency or a component of the department or agency—

(A) to assess whether applicable classification policies, procedures, rules, and regulations have been adopted, followed, and effectively administered within such department, agency, or component; and

(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.

(2) DEADLINES FOR EVALUATIONS.—

(A) INITIAL EVALUATIONS.—Each first evaluation required by paragraph (1) shall be completed no later than September 30, 2013.

(B) SECOND EVALUATIONS.—Each second evaluation required by paragraph (1) shall review progress made pursuant to the results of the first evaluation and shall be completed no later than September 30, 2016.

(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 each such evaluation.

(B) CONTENT.—Each report submitted under subparagraph (A) shall include a description of—

(i) the policies, procedures, rules, regulations, or management practices, if any, identified by the inspector general under paragraph (1)(B); 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 evaluations follow a consistent methodology, as appropriate, that allows for cross-agency comparisons.

(4) APPROPRIATE ENTITIES DEFINED.—In this subsection, the term ''appropriate entities'' means—

(A) the Committee on Homeland Security and Governmental Affairs and the 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. For employees who perform derivative classification, or are responsible for analysis, dissemination, preparation, production, receipt, publication, or otherwise communication of classified information, training shall be provided at least every two years. Such training shall—

(1) 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

(2) 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 derivatively classifying information; and

(B) maintaining such authority.

(b) RELATIONSHIP TO OTHER PROGRAMS.—The head of each Executive agency shall ensure that the training required by subsection (a) 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. BROUN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. HARMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 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 and send 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 ''secret'' for the wrong reasons, often to protect turf or avoid embarrassment. Overclassification prevents the sharing of accurate, actionable, and timely information horizontally across the government and vertically with State and local law enforcement. This is a problem now rampant throughout the intelligence community and one identified by the 9/11 Commission as a major obstacle in preventing future terror attacks.

To change the culture from ''need to know'' to ''need to share,'' H.R. 553:

Creates a Classified Information Advisory Officer to help State and local law enforcement and the private sector access intelligence and information about terror threats to their own communities.

It requires training and incentives to assure materials are classified for the right reason—to protect sources and methods. 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.

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.

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H.R. 553 also requires inspectors general of departments which classify information to issue reports and share them with any congressional committees which seek them.

Finally, it builds on the President's executive order released last month and is widely supported by open government and law enforcement groups.

In conclusion, this bill will help first responders know what to look for and what to do. They, not any of us in Congress or an analyst sitting at a desk, will likely be the ones to uncover and foil the next terror plot.

My thanks to Chairman THOMPSON and Ranking Member KING and to Senators LIEBERMAN and COLLINS, who cleared the way for bill in the House and in the Senate. Also thanks to the hardworking staffs of the Senate and House Homeland Security Committees: Christian Beckner, Brandon Milhorn, Vance Serchuk and Rosaline Cohen, and to my own staffer, Meg King.

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 over-classification 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 over-classification 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, DHS, operating 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 these authorities 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 products with interagency 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 appropriate 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 Ms. HARMAN. She and I worked together. 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 over-classification of documents 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 Federal 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 State, local, and 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 over-classification 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 to access such 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 preventers on the beat with the IC's in-house team of first preventer analysts—the "ITACG" or "Interagency Threat Assessment and 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. 5458) 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:

H.R. 5458

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

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''Christopher Bryski Student Loan Protection Act'' and ''Christopher's Law''.

(b) FINDINGS.—The Congress finds the following:

(1) There is no requirement for Federal or private educational lenders to provide information 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, incapacitation, or disability of the borrower or such cosigner (if any).

(2) No requirement exists for private educational lenders' master promissory notes to include a clear and conspicuous description of the responsibilities of a borrower and cosigner 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 hospitalized; and 1,100,000 are treated and released from an emergency department.

(4) It is estimated that the annual incidence of spinal cord injury, not including those who die at the scene of an accident, is approximately 40 cases 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 percent of students attending a 4-year public school, and 26.2 percent of students attending 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 PROTECTIONS.

(a) IN GENERAL.—Section 140 of the Truth in Lending Act (15 U.S.C. 1650) is amended by adding at the end the following new subsection:

''(f) ADDITIONAL PROTECTIONS RELATING TO DEATH OR DISABILITY OF BORROWER OR COSIGNER OF A PRIVATE EDUCATION LOAN.—

''(1) OBLIGATION TO DISCUSS DURABLE POWER OF ATTORNEYS.—In conjunction with—

''(A) any student loan counseling, if any, provided by a covered educational institution 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 durable power of attorney for financial decisionmaking, in accordance with State law; and

''(B) any application for a private education loan, the private educational lender involved in such loan shall provide information to the borrower, and cosigner (if any), concerning the creation of a durable power of attorney for financial decisionmaking, in accordance 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 for which any cosigner is jointly liable, the lender shall clearly and conspicuously describe, in writing, the cosigner's obligations with respect to the loan, including the effect the death, disability, or inability to engage in any substantial gainful activity of the borrower or cosigner (if any) would have on any such obligation, in language that the Board determines would give a reasonable person a reasonable understanding of the obligation being assumed by becoming a cosigner for the loan.

''(3) MODEL FORMS.—The Board shall publish model forms under section 105 for—

''(A) the information required under paragraph (1) with respect to a durable power of attorney for financial decisionmaking, for each State (and such model forms under this subparagraph shall be uniform for all States to the greatest extent possible); and

''(B) describing a cosigner's obligation for purposes of paragraph (2).

''(4) DEFINITION OF DEATH, DISABILITY, OR INABILITY TO ENGAGE IN ANY SUBSTANTIAL GAINFUL ACTIVITY.—For the purposes of this subsection with respect to a borrower or cosigner, the term 'death, disability, or inability to engage in any substantial gainful activity'—

''(A) means any condition described in section 437(a) of the Higher Education Act of 1965 (20 U.S.C. 1087(a)); and

''(B) shall be interpreted by the Board in such a manner as to conform with the regulations prescribed by such Secretary of Education under section 437(a) of the Higher Education Act of 1965 (20 U.S.C. 1087(a)) to the fullest extent practicable, including safeguards to prevent fraud and abuse.''.

(b) DEFINITIONS.—Subsection (a) of section 140 of the Truth in Lending Act (15 U.S.C. 1650(a)) is amended by adding at the end the following new paragraphs:

''(9) DURABLE POWER OF ATTORNEY.—The term 'durable power of attorney'—

''(A) means a written instruction recognized under State law (whether statutory or as recognized by the courts of the State), relating to financial decisionmaking in cases when the individual lacks the capacity to make such decisions; or

''(B) has the meaning given to such term in the Uniform Durable Power of Attorney Act of 2006 and sections 5–501 through 5–505 of the Uniform Probate Code, as in effect in any State.

''(10) COSIGNER.—The term 'cosigner'—

''(A) means any individual who is liable for the obligation of another without compensation, regardless of how designated in the contract or instrument;

''(B) includes any person whose signature is requested as condition to grant credit or to forebear on collection; and

''(C) does not include a spouse of an individual referred to in subparagraph (A) whose signature is needed to perfect the security interest in the loan.''.

SEC. 3. FEDERAL STUDENT LOANS.

Section 485(l)(2) of the Higher Education Act of 1965 (20 U.S.C. 1092(l)(2)) is amended by adding at the end the following:

''(L) Information on the conditions required to discharge the loan due to the death, disability, or inability to engage in any substantial gainful activity of the borrower in accordance with section 437(a), and an explanation that, in the case of a private education loan made through a private educational lender, the borrower, the borrower's estate, and any consigner of a 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 institution is located with respect to durable power of attorneys published by the Board of Governors of the Federal Reserve System in accordance with subsection (f)(3)(A) of section 140 of the Truth in Lending Act (15 U.S.C. 1650) and, in the case of a borrower who is not a resident of the State in which the institution is located, information on how to access such model form for the State in which the borrower is a resident.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. ADLER) and the gentleman from Alabama (Mr. BACHUS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. ADLER of New Jersey. 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 and to insert extraneous material thereon.

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

There was no objection.

Mr. ADLER of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support the passage of H.R. 5458.

Like all of my colleagues, I receive thousands of pieces of mail each week. When a letter from my constituent Ryan Bryski came across my desk, I knew I had to act.

Ryan's brother Christopher, for whom this bill is named, was a young man attending Rutgers University when he suffered a traumatic brain injury after an accidental fall. Christopher was in a vegetative state for 2 years before his passing in 2006. For a parent, that situation would have been enough to endure, but for the Bryski family, their suffering was far more than just the loss of a youngest son.

Like most college students, Christopher had to borrow money to finance an education. He had received loans through both the Federal Government as well as a private lender. Likes most college age kids, Christopher did not have enough credit to receive a private loan on his own, so his father Joseph cosigned his loan.

Federal loans discharge upon the death of a student. However, private loans do not. Since Joseph cosigned Christopher's loan, he was now responsible to pay it back in full. The situation puzzled the Bryski family because nowhere in their loan contract was a clause specifying what would happen to the loan upon the borrower or cosigner's death or disability. Their lender told them that according to the bank, Christopher's persistent vegetative state and subsequent death was a simple inability to pay, so the financial burden was placed on Joseph.

This was not the only problem the Bryskis encountered after their son's fatal accident. Due to the fact that Christopher was over 18 when he left home to attend school, he was, according to the law, an adult who was able to make his own financial, legal, and health care decisions.

With Christopher in a vegetative state, his parents needed to maintain his financial standing with the school,

as well as pay the bills and fulfill all his contracts. The Bryskis spent countless time and money regaining custody of their son so that they could prevent him from defaulting on other bills in case he should recover.

□ 1750

They were not only being 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 cosigners upon their death or disability—what the banks call ''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 the same 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 cosigners can refer to these definitions should a catastrophe happen to their family. It also states that private education lenders as well as the Federal Government must 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 commonsense, bipartisan legislation that deserves the support of the entire body.

I would like to thank Chairman MILLER 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 always helpful.

In addition to existing disclosures for loans, this bill requires private education loan lenders to provide additional information to students and cosigners about the benefits of durable powers of attorney for financial decision-making. A college's financial aid administrator would also be required to provide information to students and their cosigners about creating a durable power of attorney.

I do have some concerns not addressed to this bill itself but that the Federal Government is nearing the point of requiring so many disclosures that they may overwhelm the consumer. I also fear that the requirement that the Federal Reserve Board create 50 different forms based on various State laws surrounding durable powers of attorney will be especially burdensome to the Board. But that's a minor concern.

While a better solution long term would be to provide two simple disclosures that ensure that the cosigners and the students understand the responsibilities of loan repayment and are provided a place to do their own research about durable powers of attorney, this may be the first time that an individual may have a need for this sort of legal document, and these additional disclosures could help better inform the borrowers and cosigners. So for that reason I do not rise in opposition to this legislation.

I want to extend my prayers and thoughts to the Bryski family and other families who experience such a tragedy as this. I thank the gentleman from New Jersey for his kind words.

I yield back the balance of my time.

Mr. ADLER of New Jersey. I thank the gentleman from Alabama.

I am glad he mentioned the Bryski family. Ryan Bryski, the brother of Christopher, is in the gallery. I thank him and his family for sharing what they went through so we can avoid other families going through what you went through. I join Mr. BACHUS in having Christopher and other families similarly situated in our prayers. But, Ryan, I thank you personally for your guidance in this.

I think this is a wonderful example of people trying to work together to solve a people problem. I share some of Mr. BACHUS' concerns that maybe we have too many disclosures from time to time. I would be eager to work with the Member to try to work that out going forward and streamline the process. But I think this is simple legislation that is appropriate to meet a need that comes up every so often with tragic circumstances beyond the actual injury, disability, and death of young people.

I urge strong and immediate passage of this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members that it is inappropriate to recognize occupants of the gallery.

Mr. ADLER of New Jersey. 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 New Jersey (Mr. ADLER) that the House suspend the rules and pass the bill, H.R. 5458, 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.

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 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 nonpredictive.

(4) Nevertheless, medical debt that has been completely paid off 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 collections.

(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 2007, 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) 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 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended by adding at the end the following new paragraph:

''(7) Any information related to a fully paid or settled medical debt that had 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 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 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.

GENERAL LEAVE

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. BILBRAY, 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 debt, large or small, that has 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 them to honor their 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 years to come.

This is a serious problem that can affect millions of people. In fact, according to the Commonwealth Fund, medical bill problems or accrued medical debt affects roughly 72 million working-age adults in America. In 2007, 28 million working-age American adults were contacted by a collection agency for an unpaid medical bill. Furthermore, a 2003 report in the Federal Reserve Bulletin found that medical debt collections are more likely to be in dispute, inconsistently reported, and of questionable value in predicting future credit payments or credit performance because medical debt is atypical and non-predictive. In the same 2003 report, it was found that 85 percent of medical collections were for less than $500.

□ 1800

This issue is further compounded by the fact that medical billing errors are common among third-party insurers. According to the Quicken Health Group, nearly 40 percent of Americans do not understand their medical bills or are confused about the amounts owed and if those amounts are correct. 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 Home Builders, the Mortgage Bankers Association, Americans for Financial Reform, the National Credit Reporting Agency, Consumers Union, the National Consumer Law Center on behalf of its low-income clients, 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. PIRG, and Community Catalyst.

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

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

Mr. Speaker, I rise to address H.R. 3421. Credit scores and the evolution of a robust credit reporting system have done much to improve access to credit for millions of Americans, and they are an integral component of our economy. Information found in credit reports and captured by credit scores is used in today's economy for much more than for just making credit decisions. A well-functioning national credit reporting system helps those deciding whether to extend credit to properly manage the associated risk, which in turn helps keep the cost of credit lower for those who wish to borrow. Anything that undermines the reliability or integrity of a consumer credit report is likely to result in less credit being available to average Americans.

The question before us today is whether Congress should micromanage the credit reporting system and restrict the ability of businesses and creditors to review information about the credit history of a customer. When evaluating H.R. 3421, it is important to remember that the right to credit is not a right guaranteed by the government. It is made available by lenders, and I think lenders have a right to all the information about the borrower in making those decisions. Government micromanagement of a consumer credit file could misallocate credit and distort lending practices—two serious causes of the economic crisis we are still struggling to escape.

Congresswoman KILROY mentioned certain situations, and I certainly sympathize with those situations. There may be other situations, though, that we could imagine in which that information would indicate something else. It may indicate an inability to pay on a loan that someone was getting.

As we consider proposals such as the one the gentlewoman brings to us in dealing with the use of credit reports, we must consider that, in certain cases, unintended consequences may result from a less than complete picture of a prospective borrower, and it may result in losses by the lender. This is something we can't just totally block out.

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 house full of televisions or is going on a lot of vacations or out to dinner every night. They are people who are playing by the rules and who 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. Particularly now when people are 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 gentlewoman talked about certain situations. Let me say that I am sympathetic to the purpose of this bill. You will see there are three Republican cosponsors on the bill. What I'm saying and what, I think, the American people are beginning to say pretty loudly is that they are uncomfortable with the government's making these decisions as to what will be disclosed and what will be withheld. I think the American people are sympathetic. I don't know of a family in America who has not faced a medical emergency or who has not faced a relative or a family member who has had a large medical bill. So it sounds like something that would benefit people who have gone through medical crises.

With each example of that, you could select another example of someone, let's say, who had had elective surgery or a type of plastic surgery who then had just not paid his bills for a few years. That might be an example to which we would all say, well, that wasn't intended, and that information would not be shared with lenders or with a landlord or whomever.

As I say, I think that this is something Congress can decide, and you obviously have some bipartisan support for this bill.

Mr. JOHNSON of Georgia. Mr. Speaker, today I rise in support of H.R. 3421, the Medical Debt Relief Act of 2009, which will ease the financial burden shouldered by American families facing unaffordable but necessary health care expenses.

Millions of Americans—especially unemployed Americans—struggle to afford the health care they need. Illness can befall anyone, and the financial burdens can be devastating. According to a joint study conducted by Harvard Law School and Harvard Medical School, almost half of Americans who file for bankruptcy do so because of medical expenses. In my district, there were 2,200 health care related bankruptcies in 2008 alone.

The Medical Debt Relief Act will ensure that Americans who have paid or settled their medical debt in full will have that medical debt removed from their credit records. Americans who are no longer indebted by medical expenses should not continue to be penalized and suffer from compromised financial standing and poor credit simply because they needed more time to fully pay off medical bills that can often be insurmountable.

I supported the historic health care reform we passed this Congress because I believe that quality health care should not be a privilege reserved for those with means. The Medical Debt Relief Act, is another step in the right direction. I support this legislation because it will protect Americans from some of the unnecessary, lifelong financial hardships that can arise from illness.

I hope my colleagues will join me and other bipartisan supporters of this common sense legislation to improve quality of life and financial security for hard working American families that have fully paid off or settled their medical debt.

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

Ms. KILROY. This is a bill that will help millions of Americans, and I ask my colleagues for their support.

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

The SPEAKER pro tempore (Mr. CRITZ). The question is on the motion offered by the gentlewoman from Ohio (Ms. KILROY) that the House suspend the rules and pass the bill, H.R. 3421, 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. BACHUS. 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.

SMALL BUSINESS JOBS ACT AMENDMENT

Mr. MILLER of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6191) to amend the Small Business Jobs Act of 2010 to include certain construction and land development loans in the definition of small business lending.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6191

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

SECTION 1. AMENDMENT.

Section 4102(18)(A) of the Small Business Jobs Act of 2010 is amended by adding at the end the following new clause:

''(v) CONSTRUCTION, LAND DEVELOPMENT, AND OTHER LAND LOANS.—

''(I) IN GENERAL.—Loans secured by real estate—

''(aa) that are made to finance—

''(AA) land development that is preparatory to erecting new structures, including improving land, laying sewers, and laying water pipes; or

''(BB) the on-site construction of industrial, commercial, residential, or farm buildings;

''(bb) that is vacant land, except land known to be used or usable for agricultural purposes, such as crop and livestock production;

''(cc) the proceeds of which are to be used to acquire and improve developed or undeveloped property; or

''(dd) that are made under title I or title X of the National Housing Act.

''(II) CONSTRUCTION INDUSTRY REQUIREMENT.—Subclause (I) shall only apply to loans that are extended to small business concerns in the construction industry, as such term is defined by the Secretary in consultation with the Administrator of the Small Business Administration.

''(III) CONSTRUCTION DEFINED.—For purposes of this clause, the term 'construction' includes the construction of new structures, additions or alterations to existing structures, and the demolition of existing structures to make way for new structures.''.

SEC. 2. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the later of the following:

(1) The date of the enactment of this Act.

(2) The date of the enactment of the Small Business Jobs Act of 2010.

The SPEAKER pro tempore. Pursuant to the rule, 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.

GENERAL LEAVE

Mr. MILLER of North Carolina. 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 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.

□ 1810

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 the 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 torn 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 is that we are here on the floor the day after, of course; the President signed the bill just 1 day ago.

You know, 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 back 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.

WOUNDED WARRIOR AND MILITARY SURVIVOR HOUSING ASSISTANCE ACT OF 2010

Mr. MINNICK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6058) to ensure that the housing assistance programs of the Department of Housing and Urban Development and the Department of Veterans Affairs are available to veterans and members of the Armed Forces who have service-connected injuries and to survivors and dependents of veterans and members of the Armed Forces.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6058

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 ''Wounded Warrior and Military Survivor Housing Assistance Act of 2010''.

SEC. 2. AVAILABILITY OF HOUSING PROGRAMS.

The Secretary of Housing and Urban Development and the Secretary of Veterans Affairs shall take such actions as may be necessary to ensure that the housing assistance programs administered by such Secretaries, including mortgage insurance and home loan programs, are accessible by and available to, and address the particular needs and circumstances of, veterans and members of the Armed Forces who have service-connected injuries and survivors and dependents of veterans and members of the Armed Forces.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. MINNICK) and the gentleman from Minnesota (Mr. PAULSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho.

GENERAL LEAVE

Mr. MINNICK. 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 and to insert extraneous material thereon.

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

There was no objection.

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

Mr. Speaker, this bill directs the Secretary of Housing and Urban Development and the Veterans Administration to meet the needs of our veterans with service-related injuries and their families with their housing and mortgage programs.

As importantly, the bill asks that HUD and the VA help the survivors and families of these courageous people with respect to these matters. I compliment my colleague from Minnesota (Mr. PAULSEN) for his leadership in introducing this legislation and urge my colleagues to pass this bipartisan bill.

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 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. MINNICK. This legislation directs the Secretaries of HUD 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 think, 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. Let me say 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.

□ 1820

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. 6058.

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 read 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 health 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 affects 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 ranks of chronic illnesses 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, education, and other 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; and

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 strategies such as distance 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 and 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 designation of the month of September as Sickle Cell Disease Awareness Month. Sickle cell disease is an inherited blood disorder that affects between 70,000 and 100,000 Americans and many more around the world.

While there is no cure, there have been recent advancements in the search, giving hope to millions affected by the disease. Researchers believe that with continued research and funding, sickle cell disease may become more manageable within the next two decades and no longer interfere with the activity, growth, or mental development of those affected. In addition, education and public awareness can play a critical role in fighting the disease, as early diagnosis can often help those who suffer from sickle cell disease manage its effects.

I want to thank Representative FUDGE for introducing this resolution. Once again, I express my support for House Resolution 1663, and I urge my colleagues to join me in supporting this resolution.

Two million Americans have the sickle cell trait, including 1 in 12 African-Americans. Children born to parents with the sickle cell trait have a 1 in 4 chance of having the disease.

Sickle cell disease is devastating to those who suffer from it. The rapid destruction of sickle cells can result in anemia, jaundice, gallstones, strokes, and possible liver, spleen and kidney damage. As a result, individuals with the disease often experience considerable pain in their arms, legs, chest, and abdomen as well as shortened life spans.

Once again I express my support for House Resolution 1663 which designates the month of September as Sickle Cell Awareness Month. I urge my colleagues to join me in supporting this resolution.

I reserve 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 1663, supporting 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, there is 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) that 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 was 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 lifetimes;

Whereas on average, more than 3 women are murdered by their husbands or boyfriends in the United States every day;

Whereas approximately 40 to 60 percent of men who abuse women also abuse children;

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 as children 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 is a victim of physical, emotional, or verbal abuse from a dating partner, a figure that far exceeds victimization rates for other types of violence affecting youth;

Whereas teen 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 1,500,000 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 exceed $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 care costs of women 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 men are the perpetrators in 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 a multi-State study 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 as 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 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 workers, 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

of domestic violence and the resources available to help victims escape the cycles of violence. Additionally, these events educate the public about ways to prevent and end abuse. We especially recognize the hard work and dedication shown by organizations and individuals that serve victims of abuse and educate the public about domestic violence prevention.

Mr. Speaker, I once again express my support for House Resolution 1637 which recognizes the month of October as National Domestic Violence Awareness Month.

I reserve 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 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.

□ 1830

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 society.

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. Male 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. Research has shown that children who witness domestic violence and living in an environment where violence occurs may experience some of the same trauma as abused children. Children who witness domestic violence are more likely to become abusers as adults and face many of the same risk factors as the victims of abuse.

Domestic violence affects the victim, children, the abuser and entire families and communities. It is important that we support the promotion of awareness 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 to the gentleman from Louisiana (Mr. CASSIDY), and I ask unanimous consent that he be allowed to control that time.

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

There was no objection.

Ms. HIRONO. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. I would like to start by thanking the gentlelady and the ranking member. I would also like to thank my friend, the sponsor of this resolution from Texas, Mr. TED 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.

But I want to say this about Mr. POE: This is something that he does, not because it happens to be legislation. I know him from his days as a prosecutor, and these cases concerning domestic violence were cases that he took seriously. And I know him from his many years as a State district court judge, and I can honestly say, as I look toward him, that these were cases that he took seriously.

So this is more than just another resolution for Mr. POE, and for me as well. This is something that we take seriously because we, as judges, we have seen what the results of domestic violence can do to a family, what it can do not only to the person who is actually the victim, but the entire family becomes a victim of domestic violence. And I am just honored to have this opportunity to cosponsor the resolution with Mr. POE this year.

The resolution has 41 Democratic and Republican cosponsors. Clearly, it is bipartisan. It is a resolution that receives wide support annually, and it is a resolution that transcends more than party lines. It also transcends lines of ethnicity. It transcends the lines of religion. It transcends the lines of business, the lines that tend to put us in various categories. This resolution transcends all of these lines because the violence that is perpetrated transcends all of these lines. It goes into all walks of life.

It doesn't matter what your economic status is, your social status is. Domestic violence can impact people at all levels of life. And this resolution hopefully will put enough focus on it, such that we will continue to admonish persons who engage in this kind of invidious, abhorrent behavior, admonish them to seek counseling, to try to get yourself in a position such that you can treat your fellow human being as a child of God meriting the same kind of consideration that you would want your daughter or your mother, if you happen to be a male.

I would also add that there have been Federal efforts that should not go unnoticed. This started about 20 years ago and has continued, and we have had more than just this month. We also had the Violence Against Women Act of 1994, which created a new culture as it relates to domestic violence. It helped the police and the judges and the prosecutors to understand that this was more than a personal event that took place. It was something that impacted society as a whole. And I am looking forward to supporting the reauthorization of the Violence Again Women Act in 2010.

Family Violence Prevention and Services Act, this provides emergency shelters, crisis intervention programs, and community education.

I am also proud to mention the American Recovery and Reinvestment Act because this act provided $225 million for violence against women in the sense that it helped to fund programs that will help women who find themselves being victimized.

The awareness of domestic violence is growing. I have indicated that judges and prosecutors and police officers——

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. HIRONO. I yield an additional 1 minute to the gentleman.

Mr. AL GREEN of Texas. The constabulary, if you will, now understands the importance of treating this as a serious issue, and much progress has been made. However, there is still much to be done. We still have about 9,000 requests for help that go unnoticed and unanswered on a daily basis. We still have victims who continue to suffer in silence: 29 women lost their lives in Harris County; 136 Texas women were killed; 11 Texas children were killed; 92 percent of homeless women suffer physical and sexual abuse.

So I will just simply close with this: I am honored to be a cosponsor, and I am honored that the resolution is being presented. And I beg that all of my colleagues would please support this resolution because you are supporting families across the length and breadth of the country. You are keeping them together, and you are helping to prevent someone from being abused.

Mr. CASSIDY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. POE).

□ 1840

Mr. POE of Texas. I thank the gentleman for yielding.

It is an honor to once again sponsor this Domestic Violence Awareness Month resolution.

I want to commend Judge Green for working with me on this issue. He did make one mistake, however. He said we have known each other for 20 years. I'm sorry; it has been 30 years since we

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 at the hands of people they 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 women who 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 reauthorization 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 the business 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 a 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 society, must 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 99. 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 I would also like to thank Representative TED 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 an abstract concept. I have 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 they go on their merry way, and they feel like this problem will go away on its own. It doesn't go away. It only gets worse and worse and worse until sometimes people get killed or maimed for life. I know because I have lived through this hell.

My father was six-foot eight, and my mother was five-foot-and-a-half inches tall, and he used to beat her so badly that we couldn't recognize her. He would tear her clothes off of her in front of me and my brother and sister, and then if we said anything he would beat us too.

Thankfully for my family he eventually went to prison for trying to kill my mother, but one of the reasons it went that far, in my opinion, is because there wasn't enough attention paid to what he was doing in the first place.

I can remember one night about 2 o'clock in the morning, my mother, who had been beaten up, took me and my brother and sister down to the police station in Indianapolis, and she went to the desk sergeant and said to him, you know, she wanted to get a restraining order, get away from this brute and this brutality. And the desk officer said, you know what time it is, lady? It's 2 o'clock in the morning, and these kids ought to be in bed. If you don't take these kids home right now, I'm going to arrest you for child abuse. That was the attitude that we saw back in those days.

I can remember when she would throw a lamp through the front window when he was beating on her, or me, and scream for help so loud that you could hear it for blocks away and nobody came. Nobody's light went on. Nobody paid any attention. That is the crime! The crime isn't just the wife abuse or child abuse or spousal abuse. The crime is that people don't take it upon themselves to stop it.

Today, police departments have improved across this country; and there are a lot of organizations that are trying to help men, women and kids who are abused, and that's great. It's a great step in the right direction, but as the statistics that we've heard today tell you, the violence still goes on and on and on. The only way it's going to stop is, if collectively across this country, men and women who see violence in public or in private or hear about it, report it to the police, report it to the proper people and get that perpetrator away from that man and that woman and those kids. If we don't do that, this is never going to stop. The perpetrator has to be afraid of what's going to happen to him or her.

And so I'd like to say to my colleagues, this is very important legislation. I really appreciate it. I'm glad that we sponsor this every year, and I encourage everyone to vote in favor of this resolution. We need to make sure there's awareness of this violence. Only by shining the light of day on it can we eliminate this scourge once and for all.

Mr. BOSWELL. I rise today to bring to light my concerns about the growing epidemic of domestic violence in our country, and to vehemently voice my support for H. Res. 1637, commemorating October as Domestic Violence Awareness Month.

Domestic violence, sexual assault, dating violence and stalking are crimes of epidemic

proportions that impact millions of individuals and every community in our Nation. To address and prevent these crimes, the Federal Government created the Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA). VAWA programs administered by the Departments of Justice (DOJ) and Health and Human Services (HHS) have changed Federal, tribal, State and local responses to these four crimes.

In 2007, crimes by intimate partners accounted for 23 percent of all violent crimes against females and 3 percent of all violent crimes against males. This rate jumped in 2008, when 35 percent of female murder victims were killed by an intimate partner. These staggering statistics are just a few examples of how serious this problem has become. These figures compel us to raise awareness in the health care community about the devastating effect that domestic violence has on families and communities.

The current economic crisis has a disproportionately high and devastating impact on victims of domestic violence, sexual assault, dating violence and stalking. When victims of these heinous acts take the difficult step to reach out for help, many are in life-threatening situations and must be able to find immediate refuge. Given the dangerous and potentially lethal nature of these crimes, we cannot afford to ignore these victims' needs.

We in Congress continue to support the Department of Justice and the Department of Health and Human Services as they continue their efforts to put an end to domestic violence in our country.

I urge my colleagues to continue to raise awareness about this grave issue by supporting H. Res. 1637 and designating October as Domestic Violence Awareness Month.

Ms. HIRONO. 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. 1637, 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.

SUPPORTING NATIONAL SCHOOL PSYCHOLOGY WEEK

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1645) expressing support for designation of the week beginning on November 8, 2010, as National School Psychology Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1645

Whereas all children and youth learn best when they are healthy, supported, and receive an education that meets their individual needs;

Whereas schools can more effectively ensure that all students are ready and able to learn if schools meet all the needs of each student;

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 facilitate collaboration that helps parents and educators 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 credential 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: Now, therefore, be it

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 develop into 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. CASSIDY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

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 LOEBSACK 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 help to create a 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.

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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. LOEBSACK. 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 that work so hard for our children and grandchildren in schools across the country. Your efforts on behalf of our nation's students are appreciated.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to applaud 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 complete 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 forming collaborations 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 among 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 a 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 services, under this section, a one-stop operator and employees of a one-stop center referred to in subsection (c) shall give priority consideration to services and programs (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.''.

(2) YOUTH ACTIVITIES.—Section 129(c)(1)(C) of the Workforce Investment Act of 1998 (29 U.S.C. 2854(c)(1)(C)) is amended—

(A) by redesignating clauses (ii) through (iv) as clauses (iii) through (v), respectively; and

(B) 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 (20 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 or certificate, 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 (20 U.S.C. 2354(b)) is amended—

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

(B) in paragraph (12)(B), by striking the period and inserting ''; and''; 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, gave priority consideration to activities supporting high-demand registry skill credentials described in section 122(c)(1)(B)(i).''.

(3) TECH-PREP PROGRAMS.—Section 203(c)(2)(E) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2373(c)(2)(E)) is amended by striking ''industry-recognized credential, a certificate,'' and inserting ''industry-recognized credential or certificate (such as a high-demand registry skill credential described in section 122(c)(1)(B)(i)),''.

SEC. 3. SKILL CREDENTIAL REGISTRY.

(a) DEFINITIONS.—In this section:

(1) COVERED PROVISION.—The term ''covered provision'' means any of sections 129 and 134 of the Workforce Investment Act of 1998 (29 U.S.C. 2854, 2864) and section 122(c)(1)(B) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2342(c)(1)(B)).

(2) 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.

(3) 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 lead to such a credential 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 in the registry if the credential is a credential from the Manufacturing Institute-Endorsed Manufacturing Skills Certification System; and

(C) list the credential, and list an updated credential, in the registry if the credential involved is an industry-recognized, nationally portable credential that is consistent with the Secretary's established industry competency models and is consistently updated through third party validation to reflect changing industry competencies.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to require an entity with responsibility for selecting or approving an 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 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 H.R. 4072 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 H.R. 4072, the American Manufacturing Efficiency and Retraining Investment Collaboration Act, or AMERICA Works Act. This bill would direct the use of the Workforce Investment Act funds for programs that provide a national industry-recognized and portable credential certificate or degree.

It would also encourage industry-recognized credentials that are nationally recognized and portable under the Carl D. Perkins Career and Technical Education Act.

Since May, the jobless rate has stayed about the same and economists predict unemployment will remain high for months to come. Despite current unemployment, employers continue to report a skills gap. Manufacturing, healthcare, and energy sectors in particular are finding it difficult to match workers with skills and industry-recognized credentials with employers that have job openings. As the economic outlook continues to stabilize, we must continue to take measures to bring about a full recovery, including investments in strengthening our Nation's workforce.

One of the best ways to prepare today's workforce for today's fast-paced changing global economy is to offer training in industry recognized skills. This bill invests in training towards industry-recognized portable credentials, to help students build the skill sets needed to fill specialized in-demand jobs.

Industry-recognized credentials exist in many sectors of our economy. In manufacturing, industry leaders all across this sector have endorsed a system of skills certification for entry level workers. According to the president of the Minneapolis Federal Reserve Bank, addressing the current skills mismatch could reduce national unemployment from 9.6 percent to as low as 6.5 percent. This bill complements current sector approaches that modernize our workforce system, aligning job training strategies that help individuals improve their skills to find good jobs and employers hire skilled workers.

Mr. Speaker, I want to thank Representative MINNICK and the cosponsors of H.R. 4072 for bringing this bill forward. I urge my colleagues to support this bill.

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

Mr. CASSIDY. 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 is 8 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 junior college 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 Louisiana 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 our 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. 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. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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. VELÁZQUEZ. 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:

S. 3839

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

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(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 109–316; 120 Stat. 1742), 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. VELÁZQUEZ) and the gentleman from Louisiana (Mr. CASSIDY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. 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. VELÁZQUEZ. 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 authorization 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.

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Through this public-private network, entrepreneurs are able to gain access to resources nationwide with the knowledge that the SBA stands behind these tools and services. This combination is a powerful one for small businesses, and it is the reason we need to extend the agency.

In the House, we have passed 14 bills since the beginning of the 111th Congress. However, because we have not completed work with the Senate on these matters, we must extend the SBA's programs. This legislation will make certain that the SBA keeps operating. We cannot afford any of these services to lapse just as our recovery is getting off the ground.

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 we passed last July expires September 30.

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 a more thoughtful and complete reauthorization 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.

I yield back the balance of my time.

Ms. VELÁZQUEZ. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, S. 3839.

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 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 Clerk read the title of the resolution.

The text of 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 11,000 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 consider a 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, including 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 public value of the United States waterways system and to document the importance of farsighted navigation and water resources policies to a vibrant economy, industrial and agricultural productivity, regional 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 uses 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 program;

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 vitality'': Now, therefore, 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.

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 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 Mr. HARE of Illinois, 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 this recognition 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, the gentleman from Minnesota (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 through the years; 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, have 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, this Congress has a history of transcending our political differences to address the needs of the Nation.

I look forward to continuing this work with my colleagues, and on completing our efforts on the Water Resources Development Act of 2010, 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 move 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.

Fundamental to this effort is the Conference's attempts to maintain a diverse membership that reflects many of the uses 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.

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 water-resource needs of the Nation. 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 Illinois (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 in 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 water supply.

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 scarceness 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, our nation 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 restoring 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 through 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 valuable 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 waterway 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 under obligation, with the remainder likely 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 and for cosponsoring this resolution.

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 system. 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 in and around 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 has closely studied and 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 environmental restoration for more than 11,000 miles of channels in 41 States, in addition to the important role it plays in supporting our troops.

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 text of the bill is as follows:

H.R. 4387

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

SECTION 1. DESIGNATION.

The Federal building located at 100 North Palafox Street in Pensacola, Florida, shall be known and designated as the "Winston E. Arnow Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Winston E. Arnow Federal Building".

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.

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 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 would 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. OBERSTAR. Madam Speaker, I rise in support of H.R. 4387, a bill to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow Federal Building".

Winston Eugene Arnow was an American lawyer and judge of the United States District Court for the Northern District of Florida. He practiced civil rights law in Gainesville before he was appointed to the Federal bench by President Johnson. His name is now synonymous with the momentous civil rights period from 1969 to 1978 in Northwest Florida when he followed the U.S. Supreme Court mandates to ensure the election of African Americans, public school desegregation, and improved prison conditions in the Escambia County jail.

Judge Arnow served as the chief judge of the Northern District of Florida, stretching from Pensacola to Gainesville, from 1969 until 1981. In 1969, Arnow ordered the Escambia County School District desegregated. In 1972, he presided over the trial of the Gainesville Eight, a group of anti-Vietnam War activists who were indicted on charges of conspiracy to disrupt the 1972 Republican National Convention in Miami Beach, Florida. All eight were acquitted.

Judicial authorities and officials viewed Judge Arnow as "all integrity," ignoring criticism by doing what he thought was the right and proper thing to do to protect civil liberties. He believed firmly in the U.S. Constitution and followed the statutes and higher court decisions to the letter. Judge Arnow was a man of strong moral character, and conducted his court proceedings based on fairness and courtesy. He was a courageous trial judge and dedicated public servant. It is both fitting and proper that we honor his public service with this designation.

I urge my colleagues to join me in supporting H.R. 4387.

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. 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. 4387.

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.

RAY DAVES AIR TRAFFIC CONTROL TOWER

Mr. SCHAUER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5591) to designate the facility of the Federal Aviation Administration located 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 Airport 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 section 1 shall be deemed 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.

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 and to include extraneous material on H.R. 5591.

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, I support H.R. 5591, and I urge support of this bill.

I reserve the balance of my time.

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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. OBERSTAR. Mr. Speaker, I rise in support of H.R. 5591, as amended, introduced by the gentlewoman 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 second-story roof of 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 air fields in the Aleutian Islands and flew "second seat" as gunner for aerial search-and-destroy missions against Japanese submarines in Alaskan waters. He also served as a liaison for the Soviet Air Force pilots who acquired U.S. bombers and fighter planes for the war in Europe. Daves taught at the Navy's school for radiomen in Gulfport, Mississippi, from 1945 until the end of the war.

When the war was over, Daves became a civilian air traffic controller at Geiger Field, later known as the Spokane International Airport in Spokane, Washington. He worked as an air traffic controller there for almost 30 years (from 1946 to 1974). Currently, Daves volunteers by educating other veterans about the Honor Flight program, which helps 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 OBERSTAR 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. 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. 5591, 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 designate airport traffic control tower located at Spokane International Airport in Spokane, Washington, as the 'Ray Daves Air Traffic Control Tower'.''.

A motion to reconsider was laid on the table.

CORPORATE LIABILITY AND EMERGENCY ACCIDENT NOTIFICATION ACT

Mr. SCHAUER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6008) to amend title 49, United States Code, to ensure telephonic notice of certain incidents, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6008

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 ''Corporate Liability and Emergency Accident Notification Act'' or ''CLEAN Act''.

SEC. 2. NOTIFICATION OF INCIDENTS.

(a) TELEPHONIC NOTICE OF CERTAIN INCIDENTS.—

(1) IN GENERAL.—Chapter 601 of title 49, United States Code, is amended by adding at the end the following:

''§ 60138. Telephonic notice of certain incidents

''(a) IN GENERAL.—An owner or operator of a pipeline facility shall provide immediate telephonic notice of—

''(1) a release of hazardous liquid or another substance regulated under part 195 of title 49, Code of Federal Regulations, resulting in an event for which notice is required under section 195.50 of such title; and

''(2) a release of gas resulting in an incident, as defined in section 191.3 of such title.

''(b) IMMEDIATE TELEPHONIC NOTICE DEFINED.—In subsection (a), the term 'immediate telephonic notice' means telephonic notice, as described in section 191.5 of such title, to the Secretary and the National Response Center at the earliest practicable moment following discovery of a release of gas or hazardous liquid and not later than one hour following the time of such discovery.

''(c) REFERENCES.—Any reference to a regulation in this section means the regulation as in effect on the date of enactment of this section.''.

(2) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

''60138. Telephonic notice of certain incidents.''.

(b) GUIDANCE.—Not later than 60 days after the date of enactment of this Act, the Secretary shall issue guidance to clarify the meaning of the term ''discovery'' as used in section 60138(b) of title 49, United States Code, as added by subsection (a) of this section.

SEC. 3. TRANSPARENCY OF ACCIDENTS AND INCIDENTS.

Not later than December 31, 2010, the Secretary of Transportation shall maintain on the Department of Transportation's Internet Web site a database of all reportable incidents involving gas or hazardous liquid pipelines and allow the public to search the database for incidents by owner or operator of a pipeline facility.

SEC. 4. CIVIL PENALTIES.

Section 60122(a)(1) of title 49, United States Code, is amended—

(1) in the first sentence—

(A) by inserting '', or has obstructed or prevented the Secretary from carrying out an inspection or investigation under this chapter,'' after ''under this chapter''; and

(B) by striking ''$100,000'' and inserting ''$250,000''; and

(2) in the last sentence by striking ''$1,000,000'' and inserting ''$2,500,000''.

SEC. 5. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010.

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 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 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 and to include extraneous materials 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 consume.

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 gallons 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 were evacuated from their homes—these were all images from this oil spill that my constituents will not soon forget.

According to the National Transportation Safety Board, on Sunday, July 25, 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 control room. Enbridge did not know 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 at 11:45 a.m. 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—injured 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, the CLEAN 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

searchable public database of all reportable hazardous liquids incidents.

I urge Members to support H.R. 6008, the CLEAN Act, to hold companies accountable to reporting spill releases ''immediately,'' as Congress intended, and to increase transparency of spill incidents to the public. With the proper spill reporting standards, we can work toward preventing devastating spills in the future for safety and protection of our communities and our environment.

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, Illinios; 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. SCHAUER).

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 vapors 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 three full blocks of the neighborhood: 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 SCHAUER, 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 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. We know that, contrary 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 oil was spilling into Talmadge Creek. 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 nine miles away) 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. As the Enbridge oil disaster in Marshall, Michigan, underscores—every minute that passes following a release of hazardous liquid or gas from a pipeline is one less minute that responders have to protect the community and the surrounding environment.

The bill also increases the maximum civil penalty for each pipeline safety violation from $100,000 to $250,000 and the maximum civil penalty per incident from $1 million to $2.5 million, the same amounts proposed by the Obama administration in its pipeline safety reauthorization bill. The maximum penalties for violations of pipeline safety regulations under current law have not been increased in almost a decade. Adequate levels of penalties are necessary to deter unsafe operating practices by the pipeline industry, particularly in serious cases involving injuries, fatalities, and significant environmental damage. The bill further clarifies that civil penalties are applicable to obstruction of an investigation.

The bill includes a requirement that the Secretary of Transportation maintain a Website that depicts all reportable incidents involving hazardous liquid and gas pipelines and allows the public to search the database for incidents by the owner or operator of a pipeline facility.

Over the coming weeks, I intend to work in a bipartisan manner to develop a comprehensive pipeline safety reauthorization bill. In the interim, I feel that this bill strengthens the accountability of pipeline operators.

I urge my colleagues to join me in supporting H.R. 6008.

Ms. RICHARDSON. Mr. Speaker, as a member of the Committee on Transportation and Infrastructure I rise today in strong support of H.R. 6008, the Corporate Liability and Emergency Accident Notification Act. This legislation enhances public safety by requiring an owner or operator of a pipeline facility to notify the Secretary of Transportation, DOT, and the National Response Center, NRC, within one hour upon discovering the leak of hazardous material. Timely notification is an essential component of an effective response. This legislation will help ensure that DOT and NRC have the information needed to act in order to save lives and protect property.

I thank my colleague, Congressman SCHAUER, for his leadership in introducing this legislation and Chairman OBERSTAR for his skillful leadership in shepherding this bill to the floor.

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 overall damage, and the number 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 2008 there were 21 incidents in my district significant 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. LoBIONDO. 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 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 is 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 autopsies.
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 repeal 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:

''§ 1101. Definitions

''(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 any 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 affects 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.''.

SEC. 4. GENERAL ORGANIZATION.

The last sentence of section 1111(d) is amended by striking ''absent'' and inserting ''unavailable''.

SEC. 5. ADMINISTRATIVE.

(a) GENERAL AUTHORITY.—Section 1113(a) is amended—

(1) in paragraph (1)—

(A) by inserting ''and depositions'' after ''hearings''; and

(B) by striking ''subpena'' 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, departments, 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:

''(3) 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 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:

''(i) PUBLIC HEARINGS.—

''(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(i) 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 has caused significant loss of life or 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:

''(j) ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE.—

''(1) 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 by the Board.

''(2) 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.

''(3) TREATMENT OF INSURANCE BENEFITS.—Any amounts paid under insurance coverage procured under this subsection shall not—

''(A) be considered additional pay or allowances 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.

''(4) ENTITLEMENT TO OTHER INSURANCE.—Nothing in this subsection shall be construed as affecting the entitlement of an employee to insurance under section 8704(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 ''information''; and

(B) by inserting '', or commercial or financial information if the information would otherwise be withheld under section 552(b)(4) of title 5,'' after ''title 18'';

(3) in paragraph (2) by striking ''paragraph (1) of this subsection'' and inserting ''subparagraphs (A) through (C) of paragraph (1)''; and

(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 regulations).

''(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 ''information''.

(c) VESSEL RECORDINGS AND TRANSCRIPTS.—Section 1114 is amended—

(1) in subsection (a)(1) by striking ''and (f)'' and inserting ''(e), and (g)'';

(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 voice or video recorder recording or transcript of oral communications by or among the crew, pilots, or docking masters of a vessel, vessel traffic services, or other vessels, or between the vessel's crew and company communication centers, related to a marine casualty investigated by the Board. However, the Board shall make public any part of a transcript or any written depiction of visual information the Board decides is relevant to the marine casualty—

''(A) if the Board holds a public hearing on the marine casualty, at the time of the hearing; or

''(B) if the Board does not hold a public hearing, at the time a majority of the other factual reports on the marine casualty are placed in the public docket.

''(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.''.

(d) FOREIGN INVESTIGATIONS.—Section 1114(g) (as redesignated by subsection (c)(3) of this section) is amended—

(1) in paragraph (1)(A) by striking ''shall'' and inserting ''may''; and

(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 in 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 other person may use such information in preparation for the prosecution of any claim or defense in litigation in connection with the accident or marine casualty being investigated or to make or deny any insurance claim in connection with such accident or marine casualty.

''(3) COMPLIANCE.—The Board shall require any individual who is a party representative to an investigation of the Board to sign a party agreement that includes language informing the individual of the prohibition in paragraph (1).

''(4) REPRESENTATIVES OF FEDERAL AGENCIES.—Paragraph (3) shall not apply to an individual who is a representative of the Secretary of Transportation, 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.

''(6) PARTY REPRESENTATIVE DEFINED.—In this subsection, the term 'party representative' means an individual representing a party to an investigation pursuant to section 831.11 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this subsection.''.

(2) CIVIL PENALTY.—Section 1151 is amended—

(A) in the section heading by striking ''**Aviation enforcement**'' and inserting ''**Enforcement**''; and

(B) by inserting ''1114(h),'' before ''1132,'' in each of subsections (a), (b)(1), and (c).

(3) CONFORMING AMENDMENT.—The analysis for chapter 11 is amended by striking the item relating to section 1151 and inserting the following:

''1151. Enforcement.''

(f) 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 the 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; and

(D) whether Board investigations would be compromised in any way absent the participation and expertise of party representatives.

(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.

SEC. 7. TRAINING.

Section 1115(d) is amended—

(1) by inserting ''theory and techniques and on transportation safety methods to advance Board safety recommendations'' before the period at the end of the first sentence;

(2) by inserting ''or who influence the course of transportation safety through support or adoption of Board safety recommendations'' before the period at the end of the second sentence; and

(3) by inserting ''under section 1118(c)(2)'' before the period at the end of the third sentence.

SEC. 8. REPORTS AND STUDIES.

(a) STUDIES AND INVESTIGATIONS.—Section 1116(b) is amended—

(1) in paragraph (1) by striking ''carry out'' and inserting ''conduct''; and

(2) by striking paragraph (3) and inserting the following:

''(3) prescribe requirements for persons reporting accidents, as defined in section 1101(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.—

''(1) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall restrict the Board from—

''(A) making urgent safety recommendations, as identified by the Board during an ongoing safety investigation or study, to any department, agency, or instrumentality of

the Federal Government, a State or local governmental authority, or a person concerned with transportation safety; or

''(B) recommending interim measures, as identified by the Board, to a department, agency, instrumentality, authority, or person described in subparagraph (A) to mitigate risks to transportation safety pending implementation of more comprehensive responses by the department, agency, instrumentality, authority, or person.

''(2) INCLUSION IN FINAL ACCIDENT REPORTS.—If the Board makes an urgent safety recommendation or recommends an interim measure before completing a relevant final accident report, if any, 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. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 1118(a) is amended to read as follows:

''(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this chapter—

''(1) $107,583,000 for fiscal year 2011;

''(2) $115,347,000 for fiscal year 2012;

''(3) $122,187,000 for fiscal year 2013; and

''(4) $124,158,000 for fiscal year 2014.

Such sums shall remain available until expended.''.

(b) FEES, REFUNDS, REIMBURSEMENTS, AND ADVANCES.—Section 1118(c) is amended—

(1) by striking the subsection heading and inserting the following: ''FEES, REFUNDS, REIMBURSEMENTS, AND ADVANCES'';

(2) in paragraph (1)—

(A) by striking ''and reimbursements'' and inserting ''reimbursements, and advances''; and

(B) by striking ''services'' and inserting ''activities, services, and facilities'';

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A) by striking ''or reimbursement'' and inserting ''reimbursement, or advance''; and

(B) in each of subparagraphs (A) and (B) by striking ''activities'' and all that follows before the semicolon and inserting ''activities, services, or facilities for which the fee, refund, reimbursement, or advance is associated'';

(4) by redesignating paragraph (3) as paragraph (4);

(5) by inserting after paragraph (2) the following:

''(3) ANNUAL RECORD OF COLLECTIONS.—The Board shall maintain an annual record of collections received under paragraph (2).''; and

(6) in paragraph (4) (as redesignated by paragraph (4) of this subsection) by inserting ''or advance'' after ''fee''.

SEC. 10. ACCIDENT INVESTIGATION AUTHORITY.

(a) IN GENERAL.—Section 1131(a)(1) is amended—

(1) in the matter preceding subparagraph (A) by striking ''cause or probable cause'' and inserting ''causes or probable causes'';

(2) in subparagraph (C) by striking ''a fatality or substantial property damage'' and inserting ''a fatality (other than a fatality involving a trespasser) or substantial property damage'';

(3) in subparagraph (E) by striking ''and'' at the end;

(4) in subparagraph (F) by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(G) an accident in response to an international request and delegation under appropriate international conventions, coordinated through the Department of State and accepted by the Board.''.

(b) AUTHORITIES OF OTHER AGENCIES.—The second sentence of section 1131(a)(3) is amended by inserting ''or relevant to'' after ''developed about''.

(c) ACCIDENTS NOT INVOLVING GOVERNMENT MISFEASANCE OR NONFEASANCE.—Section 1131(c) is amended by adding at the end the following:

''(3) AUTHORITY OF BOARD REPRESENTATIVE.—In the case of a delegation of authority under paragraph (1), the Secretary, or a person designated by the Secretary, shall have the authority of the Board, on display of appropriate credentials and written notice of inspection authority, to enter property where the aircraft accident has occurred or wreckage from the accident is located and to gather evidence in support of a Board investigation, in accordance with rules the Board may prescribe.''.

(d) INCIDENT INVESTIGATIONS.—Section 1131 is amended by adding at the end the following:

''(f) INCIDENT INVESTIGATIONS.—

''(1) MEMORANDUM OF UNDERSTANDING.—Not later than 90 days after the issuance of final regulations under section 1101(a)(2), the Chairman of the Board shall seek to enter into a memorandum of understanding with the Secretary of Transportation and the head of each modal administration of the Department of Transportation that sets forth—

''(A) an understanding of the conditions under which the Board will conduct an incident investigation that involves the applicable mode of transportation; and

''(B) the roles and responsibilities of the parties to the memorandum when the Board is conducting an incident investigation.

''(2) UPDATES AND RENEWALS.—Each memorandum of understanding required under paragraph (1) shall be updated and renewed not less than once every 5 years, unless parties to the memorandum agree that updating the memorandum is unnecessary.

''(3) BOARD AUTHORITY.—Nothing in this paragraph negates the authority of the Board to investigate an incident.

''(4) INCIDENT DEFINED.—In this subsection, the term 'incident' means an incident described in regulations issued under section 1101(a)(2).''.

SEC. 11. MARINE CASUALTY INVESTIGATIONS.

(a) IN GENERAL.—Chapter 11 is amended by inserting after section 1132 the following:

''§ 1132a. Marine casualty investigations

''(a) DELEGATION OF AUTHORITY TO COAST GUARD.—

''(1) IN GENERAL.—In an investigation of a major marine casualty under section 1131(a)(1)(E), the Board, with the consent of the Secretary of the department in which the Coast Guard is operating, may delegate to the Commandant of the Coast Guard full authority to obtain the facts of the casualty. In the case of such a delegation, the Commandant, acting through the Commandant's on-scene representative, shall have the full authority of the Board.

''(2) REQUIRED TRAINING, EXPERIENCE, AND QUALIFICATIONS.—The Board may not make a delegation under paragraph (1) unless the Board determines that the Commandant's on-scene representatives have sufficient training, experience, and qualifications in investigation, marine casualty reconstruction, evidence collection and preservation, human factors, and documentation to act in accordance with the best investigation practices of Federal and non-Federal entities.

''(b) PARTICIPATION OF COMMANDANT IN MARINE INVESTIGATIONS.—The Board shall provide for the participation of the Commandant of the Coast Guard in an investigation by the Board of a major marine casualty under section 1131(a)(1)(E) if such participation is necessary to carry out the duties and powers of the Commandant, except that the Commandant may not participate in establishing the probable cause of the marine casualty (other than as provided in section 1131(b)).''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 11 is amended by inserting after the item relating to section 1132 the following:

''1132a. Marine casualty investigations.''.

SEC. 12. INSPECTIONS AND AUTOPSIES.

(a) ENTRY AND INSPECTION.—Section 1134(a) is amended in the matter preceding paragraph (1)—

(1) by striking ''officer or employee'' and inserting ''officer, employee, or Federal designee''; and

(2) by inserting ''in the conduct of any accident investigation or study'' after ''National Transportation Safety Board''.

(b) INSPECTION, TESTING, PRESERVATION, AND MOVING OF AIRCRAFT AND PARTS.—Section 1134(b) is amended to read as follows:

''(b) INSPECTION, TESTING, PRESERVATION, AND MOVING OF AIRCRAFT AND PARTS.—

''(1) INSPECTION AND TESTING.—In investigating an aircraft accident under this chapter, the Board may—

''(A) inspect and test, to the extent necessary, any civil aircraft, aircraft engine, propeller, appliance, or property on an aircraft involved in an accident in air commerce;

''(B) seize or otherwise obtain any recording device and recording pertinent to the accident; and

''(C) require specific information only available from the manufacturer to enable the Board to read and interpret any flight parameter or navigation storage device or media on board the aircraft involved in the accident.

''(2) MOVING OF AIRCRAFT AND PARTS.—Any civil aircraft, aircraft engine, propeller, appliance, or property on an aircraft involved in an accident in air commerce shall be preserved, and may be moved, only as provided by regulations of the Board.

''(3) TRADE SECRETS, COMMERCIAL INFORMATION, AND FINANCIAL INFORMATION.—The provisions of section 1114(b) shall apply to materials provided under paragraph (1)(C) and properly identified as trade secrets, commercial information, or financial information.''.

(c) AVOIDING UNNECESSARY INTERFERENCE; PRESERVING EVIDENCE.—Section 1134(c) is amended to read as follows:

''(c) AVOIDING UNNECESSARY INTERFERENCE; PRESERVING EVIDENCE.—

''(1) INSPECTION AND TESTING.—In carrying out subsection (a)(1), an officer or employee may—

''(A) examine or test any vehicle, vessel, rolling stock, track, or pipeline component;

''(B) seize or otherwise obtain any recording device and recording pertinent to the accident; and

''(C) require the production of specific information only available from the manufacturer to enable the Board to read and interpret any operational parameter or navigation storage device or media on board the vehicle, vessel, or rolling stock involved in the accident.

''(2) TRADE SECRETS, COMMERCIAL INFORMATION, AND FINANCIAL INFORMATION.—The provisions of section 1114(b) shall apply to materials provided under paragraph (1)(C) and properly identified as trade secrets, commercial information, or financial information.

''(3) CONDUCT OF EXAMINATIONS AND TESTS.—An examination or test under paragraph (1)(A) shall be conducted in a way that—

''(A) does not interfere unnecessarily with transportation services provided by the owner or operator of the vehicle, vessel, rolling stock, track, or pipeline component; and

''(B) to the maximum extent feasible, preserves evidence related to the accident, consistent with the needs of the investigation and with the cooperation of that owner or operator.''.

SEC. 13. DISCOVERY AND USE OF COCKPIT AND SURFACE VEHICLE RECORDINGS AND TRANSCRIPTS.

Section 1154(a)(1)(A) is amended by striking ''; and'' and inserting ''; or''.

SEC. 14. FAMILY ASSISTANCE.

(a) FAMILY ASSISTANCE IN COMMERCIAL AVIATION ACCIDENTS.—Section 41113(b)(7) is amended by inserting before the period at the end the following: '', and that at least 60 days before the planned destruction of any unclaimed possession of a passenger a reasonable attempt will be made to notify the family of the passenger''.

(b) FAMILY ASSISTANCE IN COMMERCIAL AVIATION ACCIDENTS INVOLVING FOREIGN CARRIERS.—Section 41313(c)(7) is amended by inserting before the period at the end the following: '', and that at least 60 days before the planned destruction of any unclaimed possession of a passenger a reasonable attempt will be made to notify the family of the passenger''.

SEC. 15. NOTIFICATION OF MARINE CASUALTIES.

Not later than 6 months after the date of enactment of this Act, the National Transportation Safety Board and the Secretary of the department in which the Coast Guard is operating shall jointly prescribe regulations to ensure the prompt notification and reporting of marine casualties by the Coast Guard to the Board.

SEC. 16. USE OF BOARD NAME, LOGO, INITIALS, AND SEAL.

Section 709 of title 18, United States Code, is amended—

(1) by inserting ''or'' at the end of the paragraph immediately preceding the paragraph that begins ''Shall be punished as follows:''; and

(2) by inserting the following before the paragraph that begins ''Shall be punished as follows:'':

''Whoever, except with the written permission of the Chairman of the National Transportation Safety Board, knowingly uses the words 'National Transportation Safety Board', the logo of the Board, the initials 'NTSB', or the official seal of the Board, or any colorable imitation of such words, logo, initials, or seal, in connection with any advertisement, circular, book, pamphlet, or other publication, or any play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, or other publication, or such play, motion picture, broadcast, telecast, or other production, is approved, endorsed, or authorized by the National Transportation Safety Board;''.

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.

GENERAL LEAVE

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 include extraneous material on H.R. 4714.

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.

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 partnered with 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.

□ 1920

We have not had recorded votes within committee. Whatever differences of view, we have been able to resolve and acknowledge one another's contributions. And the same with this reauthorization for NTSB.

I will just observe that I served in Congress as staff in 1966–67 when the Congress created the Department of Transportation and included within it an independent safety board. But after a few years, it was apparent that the Safety Board could not be independent within the Department. So the Congress, before I was elected, moved to separate the NTSB, separate the safety board from the Department and establish it as an independent agency separate from the Department itself.

In the years since then, the NTSB has become the worldwide gold standard for safety standards, for investigation of transportation accidents, and for leading the world to a better safety regime in all modes of transportation. Other nations have come to the U.S. to emulate our NTSB, to see how it works, how it's structured, and how it acts with independence. And we, in this authorization, continue that standard for the NTSB, increasing staff, increasing funding modestly only just to accommodate the needs of NTSB for the additional responsibilities we have shouldered upon the Safety Board. I would like to say that we add two full-time equivalent employees to support the recently enacted Rail Disaster Family Assistance Act, legislation that the former chairman of the committee, DON YOUNG, had introduced in 2006 and which we adopted by voice vote in the committee. I just want to make an acknowledgement of Mr. YOUNG's continued splendid contribution.

With that, I reserve the balance of my time.

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume. Mr. OBERSTAR has been very passionate on this issue, along with a number of other issues. The critical importance of NTSB has been outlined over and over again. I urge all Members to look very carefully at this.

I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, we have no further requests for time on our side. I submit for the Record a more detailed explanation of the provisions of the reauthorization.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 4714, as amended, a bill to reauthorize the National Transportation Safety Board (NTSB), an independent agency with the vitally important responsibility to improve the safety of our nation's transportation network.

Since its inception in 1967, the NTSB has investigated more than 132,000 aviation accidents and more than 10,000 surface transportation accidents. During those 43 years, the Safety Board has issued more than 13,000 safety recommendations, with 82 percent of those recommendations accepted by the related agency or organization. In the last three years alone, the Safety Board has investigated more than 64 major accidents, issued 63 major reports covering all transportation modes (aviation, highway, transit, maritime, railroad, and pipeline/hazardous materials), and issued more than 521 safety recommendations.

The NTSB is widely acknowledged as the world's premier accident investigation agency. Thanks to the NTSB's diligent work in investigating the causes of past transportation accidents, and in recommending solutions, the traveling public is safer today than ever before.

But we must not be content with the progress we have made in improving transportation safety. That is why H.R. 4714, the ''National Transportation Safety Board Reauthorization Act of 2010'', provides the Safety Board with additional tools it needs to accomplish its crucial mission. To maintain its position as the world's preeminent investigative agency, the NTSB must have the resources necessary to handle increasingly complex accident investigations.

Accordingly, this bill authorizes increased funding over the next four years: $107.6 million in fiscal year (FY) 2011, $115.3 million in FY 2012, $122.2 million in FY 2013, and $124.2 million in FY 2014. These funding levels will allow the NTSB to hire an additional 66 full-time equivalent (FTE) positions, increasing its staffing to 477 FTEs. According to the NTSB's 2009 human capital forecast, 477 FTEs represent the Safety Board's optimal staffing level and enables the agency to take on more investigations and accomplish detailed examinations of transportation safety issues.

These funding levels are consistent with the previous NTSB authorization bill. In 2006, the Committee on Transportation and Infrastructure authorized $100 million for the Safety Board to support 475 FTEs in FY 2008 and FY 2009. That is the same number we are discussing today, plus two additional FTEs to support the recently-enacted Rail Disaster Family Assistance Act. My good friend from Alaska, and former Chairman of the Committee, DON YOUNG, introduced that legislation in 2006, which was adopted by a voice vote in Committee.

Unfortunately, appropriations have not kept pace with the Safety Board's needs. NTSB believes that it is imperative to increase its staffing to 477 FTEs to ensure that it has the investigative staff it needs to conduct effective investigations.

Importantly, H.R. 4714 also contains an explicit authorization for the NTSB to do what it

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 NTSB'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 advances 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.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 4, 2010.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation, House of Representatives, Washington, DC.

DEAR CHAIRMAN OBERSTAR: This is to advise you that, as a result of your having consulted with us on provisions in H.R. 4714, the National Transportation Safety Board Reauthorization Act of 2010, that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to agree to discharging our committee from further consideration of the bill without seeking formal referral, in order that it may proceed without delay to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 4714 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward, so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this request, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, March 4, 2010.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS: I write to you regarding H.R. 4714, the ''National Transportation Safety Reauthorization Act of 2010''.

I agree that provisions included in H.R. 4714 are of jurisdictional interest to the Committee on the Judiciary. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction. I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on the Judiciary has jurisdiction in H.R. 4714.

This exchange of letters will be placed in the Committee Report on H.R. 4714 and the Congressional Record as part of the consideration of this legislation in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

Mr. CARNAHAN. Mr. Speaker, I rise today in strong support of H.R. 4714, the National Transportation Safety Board Reauthorization Act.

At its heart, the reauthorization of the NTSB is about safety. Every year, the NTSB investigates thousands of accidents over all modes of transportation—investigations that are critical to determining why accidents happen, so steps can be taken to prevent them in the future.

One of the main ways the Board is able to complete so many investigations is by the use of the party process, where outside groups with specific technical expertise are brought in to assist in the course of the investigation.

Clearly, the party process is of critical importance to NTSB investigations.

However, reports have indicated during the course of these investigations it has become common place for official party representatives to provide information about the ongoing investigation to other members of their organization who have not signed the certification of party representative.

Meanwhile, the families of loved ones killed or injured in an accident do not have access to the information until it is placed in a public docket—often many months after the accident.

The idea that anyone could receive information about the possible cause of an accident in advance of victims or family members is not acceptable. What is even more appalling is the idea that this information could be handed over to entities or companies who might have a vested interest in the outcome of the investigation.

I am very pleased that this legislation includes a provision that prohibits a party representative to an NTSB investigation from violating the code of silence either orally or in writing during the course of an investigation.

This language will simply level the playing field for the family members of those killed or injured in an accident being investigated by the Board. It strengthens what is in fact already Board policy by putting the prohibition in statute and there by strengthens the party process.

This would not have been possible without the support and cooperation of the NTSB, as well as Chairman OBERSTAR and Subcommittee Chair COSTELLO, who worked with me to make sure this important language was included. And I must extend a special thanks to the families of Colgan Flight 3407. Their support for this provision is particularly meaningful to me.

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 on an NTSB investigation to learn more about the cause of the 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' s) 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

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 Metro's weekday 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 station 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 in the 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 my provision, 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 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 transit 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:

H.R. 3427

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:

''(h) 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 State 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 agency 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 that wasn't 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 arriving 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 ability 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 limit the amount 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 rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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PROVIDING FOR CONCURRENCE WITH AMENDMENTS IN SENATE AMENDMENT TO H.R. 3619, COAST GUARD AUTHORIZATION ACT OF 2010

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1665) providing for the concurrence by the House in the Senate amendment to H.R. 3619, with amendments.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1665

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 thereto, 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.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.
Sec. 102. 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. Commissioned officers.
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. 210. Merchant Mariner Medical Advisory Committee.
Sec. 211. Reserve commissioned 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.
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Sec. 812. Waterside security of especially hazardous cargo.
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Sec. 818. Transportation security cards: access pending issuance; deadlines for processing; receipt.
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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.
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Sec. 825. International port and facility inspection coordination.
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TITLE IX—MISCELLANEOUS PROVISIONS

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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. Conveyance 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.
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Sec. 913. Technical amendments to chapter 313 of title 46, United States Code.
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Sec. 1011. Definitions.
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Subtitle B—Implementation of the Convention

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Sec. 1031. Prohibitions.
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Sec. 1041. Criminal enforcement.
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Sec. 1045. Warnings, detentions, dismissals, exclusion.
Sec. 1046. Referrals for appropriate action by foreign country.
Sec. 1047. Remedies not affected.
Sec. 1048. Repeal.

TITLE 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 $24,500,000 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, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,640,000,000, 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 their dependents under chapter 55 of title 10, United States Code, $1,400,700,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $16,000,000.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operation and maintenance), $13,329,000, to remain available until expended.

(7) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services, $135,675,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—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 professional training in military and civilian institutions, 350 student years.

(4) For officer acquisition, 1,200 student years.

TITLE 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:

"153. Appointment of judges.".

SEC. 202. INDUSTRIAL ACTIVITIES.

Section 151 of title 14, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "All orders"; and

(2) by adding at the end the following:

"(b) ORDERS AND AGREEMENTS FOR INDUSTRIAL ACTIVITIES.—Under this section, the Coast Guard industrial activities may accept orders from and enter into reimbursable agreements with establishments, agencies, and departments of the Department of Defense and the Department of Homeland Security.".

SEC. 203. REIMBURSEMENT FOR MEDICAL-RELATED TRAVEL EXPENSES.

(a) IN GENERAL.—Chapter 13 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 (as defined in section 1072(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 by a primary care physician to a specialty care provider (as defined in section 1074i(b) of title 10) on the mainland who provides services less than 100 miles from the location where the beneficiary resides, the Secretary shall reimburse the reasonable travel expenses of the covered beneficiary and, when accompaniment by an adult is necessary, for a parent 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:

''518. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States.''.

SEC. 204. COMMISSIONED OFFICERS.

(a) ACTIVE DUTY PROMOTION LIST.—Section 42 of title 14, United States Code, is amended to read as follows:

''§ 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 the active duty promotion list, excluding warrant officers, shall not exceed 7,200; except that the Commandant may temporarily increase that number by up to 2 percent for no more than 60 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; 0.375 percent for rear admiral (lower half); 6.0 percent for captain; 15.0 percent for commander; and 22.0 percent for lieutenant commander.

''(2) DISCRETIONARY.—The Secretary shall prescribe the percentages applicable to the grades of lieutenant, 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 paragraph (1), any fraction shall be rounded to the nearest whole number.

''(3) TREATMENT OF OFFICERS SERVING OUTSIDE COAST GUARD.—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.

''(d) 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 organizing, administering, recruiting, instructing, or training the reserve components shall be prescribed by the Secretary.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of such title is amended by striking the item relating to section 42 and inserting the following:

''42. Number and distribution of commissioned officers on active duty promotion list.''.

SEC. 205. COAST GUARD PARTICIPATION IN THE ARMED FORCES RETIREMENT HOME (AFRH) SYSTEM.

(a) IN GENERAL.—Section 1502 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401) is amended—

(1) by striking paragraph (4);

(2) in paragraph (5)—

(A) by striking ''and'' at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(C) by inserting at the end the following:

''(E) the Assistant Commandant of the Coast Guard for Human Resources.''; and

(3) by adding at the end of paragraph (6) the following:

''(E) The Master Chief Petty Officer of the Coast Guard.''.

(b) CONFORMING AMENDMENTS.—(1) Section 2772 of title 10, United States Code, is amended—

(A) in subsection (a) by inserting ''or, in the case of the Coast Guard, the Commandant'' after ''concerned''; and

(B) by striking subsection (c).

(2) Section 1007(i) of title 37, United States Code, is amended—

(A) in paragraph (3) by inserting ''or, in the case of the Coast Guard, the Commandant'' after ''Secretary of Defense'';

(B) by striking paragraph (4); and

(C) by redesignating paragraph (5) as paragraph (4).

SEC. 206. GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.

Section 149 of title 14, United States Code, is amended by adding at the end the following:

''(c) GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.—After consultation with the Secretary of State, the Commandant may make grants to, or enter into cooperative agreements, contracts, or other agreements with, international maritime organizations for the purpose of acquiring information or data about merchant vessel inspections, security, safety, environmental protection, classification, and port state or flag state law enforcement or oversight.''.

SEC. 207. LEAVE RETENTION AUTHORITY.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by inserting after section 425 the following:

''§ 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.) or in response to a spill of national significance shall be treated, for the purpose of section 701(f)(2) of title 10, as a duty assignment in support of a contingency operation.

''(b) DEFINITIONS.—In this section:

''(1) SPILL OF NATIONAL SIGNIFICANCE.—The term 'spill of national significance' means a discharge of oil or a hazardous substance that is declared 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) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 425 the following:

''426. Emergency leave retention authority.''.

(c) APPLICATION.—The amendments made by this section shall be deemed to have been enacted on April 19, 2010.

SEC. 208. ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

''§ 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)—

''(A) 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.''.

(b) 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.—The analysis for such chapter is amended by adding at the end the following:

''99. Enforcement authority.''.

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;

''(B) 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 mariner occupational requirements.

''(2) STATUS OF MEMBERS.—Members of the Committee shall not be considered Federal employees or otherwise in the service or the employment of the Federal Government, except that members shall be considered special Government employees, as defined in section 202(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.

''(c) APPOINTMENTS; TERMS; VACANCIES.—

''(1) APPOINTMENTS.—The Secretary shall appoint the members of the Committee, and each member shall serve at the pleasure of the Secretary.

''(2) 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 vacancy prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of that term.

''(d) CHAIRMAN AND VICE CHAIRMAN.—The Secretary shall designate one member of the Committee as the Chairman and one member as the Vice Chairman. The Vice Chairman 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 services as are considered necessary for the conduct of its business.''.

(b) FIRST MEETING.—No later than six months after the date of enactment of this Act, the Merchant Mariner Medical Advisory Committee established by the amendment made by this section shall hold its first meeting.

(c) CLERICAL AMENDMENT.—The analysis for chapter 71 of that title is amended by adding at the end the following:

''7115. Merchant Mariner Medical Advisory Committee.''.

SEC. 211. RESERVE COMMISSIONED WARRANT OFFICER TO LIEUTENANT PROGRAM.

Section 214(a) of title 14, United States Code, is amended to read as follows:

''(a) The president 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, and from holders of licenses issued under chapter 71 of title 46; 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—

(1) in section 253(a)—

(A) by inserting ''and'' after ''considered,''; and

(B) by striking '', and the number of officers the board may recommend for promotion'';

(2) in section 258—

(A) by inserting ''(a) IN GENERAL.—'' before ''The Secretary shall'' ;

(B) in subsection (a) (as so designated) by striking the colon at the end of the material preceding paragraph (1) and inserting ''—''; and

(C) by adding at the end the following:

''(b) PROVISION OF DIRECTION AND GUIDANCE.—

''(1) In addition to the information provided pursuant to subsection (a), the Secretary may furnish the selection board—

''(A) specific direction relating to the needs of the Coast Guard for officers having particular skills, including direction relating to the need for a minimum number of officers with particular skills within a specialty; and

''(B) any other guidance that the Secretary believes may be necessary to enable the board to properly perform its functions.

''(2) Selections made based on the direction and guidance provided under this subsection shall not exceed the maximum percentage of officers who may be selected from below the announced promotion zone at any given selection board convened under section 251 of this title.'';

(3) in section 259(a), by inserting after ''whom the board'' the following: '', giving due consideration to the needs of the Coast Guard for officers with particular skills so noted in specific direction furnished to the board by the Secretary under section 258 of this title,''; and

(4) in section 260(b), by inserting after ''qualified for promotion'' the following: ''to meet the needs of the service (as noted in specific direction furnished the board by the Secretary under section 258 of this title)''.

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—

(1) in paragraph (1), by striking ''; or'' and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting ''; or''; 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 ''Coast Guard vessels and aircraft'' 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 support the operations of the Coast Guard in each port in the District for which the District Ombudsman is appointed.

''(2) To improve communications between and among port 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 types of disputes with respect to which the District Ombudsman will provide assistance.

''(B) LIMITATION.—The District Ombudsman shall not provide assistance with respect to a dispute unless it involves the impact of 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 hardship as the result of implementing a Coast Guard requirement or being denied a Coast Guard service.

''(3) CONSULTATION.—The District Ombudsman may consult with any Coast Guard personnel who can aid in the investigation of a complaint.

''(4) 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 of a complaint.

''(5) 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.

''(6) DEADLINE.—The District Ombudsman shall seek to resolve each complaint brought in accordance with the guidelines—

''(A) in a timely fashion; and

''(B) not later than 4 months after the complaint is officially accepted by the District Ombudsman.

''(d) 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).

''(e) 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, including—

''(1) the number of matters brought before each District Ombudsman;

''(2) a brief summary of each such matter; and

''(3) the eventual resolution of each such matter.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of that chapter is amended by adding at the end the following new item:

''55. District Ombudsmen.''.

SEC. 215. COAST GUARD COMMISSIONED OFFICERS: COMPULSORY RETIREMENT.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by striking section 293 and inserting the following:

''§ 293. Compulsory retirement

''(a) REGULAR COMMISSIONED OFFICERS.—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 68 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 66 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 new item:

''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 on the sexual assaults involving members of the Coast Guard to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(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 in, each substantiated case.

(3) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to incidents of 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 on the prevention of and response to 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 back-up navigation 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 AUTHORITIES.

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 making reciprocal visits to Coast Guard units, 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 civilian 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.''; and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(2) in section 681(a)—

(A) in the matter preceding paragraph (1), by striking ''exercise any authority or any combination of authorities provided under this chapter in order to provide for the acquisition or construction by private persons, including a small business concern qualified under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), of the following:'' and inserting ''acquire or construct the following:'';

(B) in paragraph (1), by striking ''Family housing units'' and inserting ''Military family housing''; and

(C) in paragraph (2), by striking ''Unaccompanied housing units'' and inserting ''Military unaccompanied housing'';

(3) by repealing sections 682, 683, and 684;

(4) by amending section 685 to read as follows:

''§ 685. Conveyance of real property

''(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law, the Secretary may convey, at fair market value, real property, owned or under the administrative control of the Coast Guard, for the purpose of expending the proceeds from such conveyance to acquire and construct military family housing and military unaccompanied housing.

''(b) TERMS AND CONDITIONS.—

''(1) The conveyance of real property under this section shall be by sale, for cash. The Secretary shall deposit the proceeds from the sale in the Coast Guard Housing Fund established under section 687 of this title, for the purpose of expending such proceeds to acquire and construct military family housing and military unaccompanied housing.

''(2) The conveyance of real property under this section shall not diminish the mission capacity of the Coast Guard, but further the mission support capability of the Coast Guard with regard to military family housing or military unaccompanied housing.

''(c) RELATIONSHIP TO ENVIRONMENTAL LAW.—This section does not affect or limit the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).'';

(5) by repealing section 686;

(6) in section 687—

(A) in subsection (b)—

(i) in paragraph (2), by striking ''or 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) subsection (c), by amending 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 ''or (b)(3)''; and

(D) by repealing subsections (f) and (g);

(7) by repealing 687a;

(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 commenced 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 689; 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 515 of title 14, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

''(b)(1) 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, by regulations, fees to be charged parents for the attendance of children at Coast Guard child development centers.

''(B) Fees to be charged, pursuant to subparagraph (A), shall be based on family income, except that the Commandant may, on a case-by-base basis, establish fees at lower rates if such rates would not be competitive with rates at local child development centers.

''(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 cost of services provided by Coast Guard child development centers.'';

(2) by repealing subsections (d) and (e); and

(3) by redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

SEC. 223. CHAPLAIN ACTIVITY EXPENSE.

Section 145 of title 14, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

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

''(4) detail personnel from the Chaplain Corps to provide services, pursuant to section 1789 of title 10, to the Coast Guard.''; and

(2) by adding at the end the following new subsection:

''(d)(1) As part of the services provided by the Secretary of the Navy pursuant to subsection (a)(4), the Secretary may provide support services to chaplain-led programs to assist members of the Coast Guard on active duty and their dependents, and members of the reserve component in an active status and their dependents, in building and maintaining a strong family structure.

''(2) In this subsection, the term 'support services' include transportation, food, lodging, child care, supplies, fees, and training materials for members of the Coast Guard on active duty and their dependents, and members of the reserve component in an active status and their dependents, while participating in programs referred to in paragraph (1), including participation at retreats and conferences.

''(3) In this subsection, the term 'dependents' has the same meaning as defined in section 1072(2) of title 10.''.

SEC. 224. COAST GUARD CROSS; SILVER STAR MEDAL.

(a) COAST GUARD CROSS.—Chapter 13 of title 14, United States Code, is amended by inserting after section 491 the following new section:

''§ 491a. Coast Guard cross

''The President may award a Coast Guard cross of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Coast Guard, when the Coast Guard is not operating under the Department of the Navy, distinguishes himself or herself by extraordinary heroism not justifying the award of a medal of honor—

''(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; or

''(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.''.

(b) SILVER STAR MEDAL.—Such chapter is further amended—

(1) by striking the designation and heading of section 492a and inserting the following:

''§ 492b. Distinguished flying cross'';

and

(2) by inserting after section 492 the following new section:

''§ 492a. Silver star medal

''The President may award a silver star medal of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the 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; or

''(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) CONFORMING AMENDMENTS.—Such chapter is further amended—

(1) in section 494, by striking ''distinguished service medal, distinguished flying cross,'' and inserting ''Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,'' in both places it appears;

(2) in section 496—

(A) in the matter preceding paragraph (1) of subsection (a), by striking ''distinguished service medal, distinguished flying cross,'' and inserting ''Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,''; and

(B) in subsection (b)(2), by striking ''distinguished service medal, distinguished flying cross,'' and inserting ''Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,''; and

(3) in section 497, by striking ''distinguished service medal, distinguished flying cross,'' and inserting ''Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,''.

(d) CLERICAL AMENDMENTS.—The analysis at the beginning of such chapter is amended—

(1) by inserting after the item relating to section 491 the following new item:

''491a. Coast Guard cross.''.

(2) by striking the item relating to section 492a and inserting the following new items:

''492a. Silver star medal.

''492b. Distinguished flying cross.''.

TITLE III—SHIPPING AND NAVIGATION

SEC. 301. SEAWARD EXTENSION OF ANCHORAGE GROUNDS JURISDICTION.

Section 7 of the Rivers and Harbors Appropriations Act of 1915 (33 U.S.C. 471) is amended—

(1) by striking ''That the'' and inserting the following:

''(a) IN GENERAL.—The''.

(2) in subsection (a) (as designated by paragraph (1)) by striking ''$100; and the'' and inserting ''up to $10,000. Each day during which a violation continues shall constitute a separate violation. The''; and

(3) by adding at the end the following:

''(b) DEFINITION.—As used in this section 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.''.

SEC. 302. MARITIME DRUG LAW ENFORCEMENT ACT AMENDMENT-SIMPLE POSSESSION.

Section 70506 of title 46, United States Code, is amended by adding at the end the following:

''(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 notice and an 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) shall be 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, circumstances, 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.''.

SEC. 303. TECHNICAL AMENDMENTS TO TONNAGE MEASUREMENT LAW.

(a) DEFINITIONS.—Section 14101(4) of title 46, United States Code, is amended—

(1) by striking ''engaged'' the first place it appears and inserting ''that engages'';

(2) in subparagraph (A), by striking ''arriving'' and inserting ''that arrives'';

(3) in subparagraph (B)—

(A) by striking ''making'' and inserting ''that makes''; and

(B) by striking ''(except a foreign vessel engaged on that voyage)'';

(4) in subparagraph (C), by striking ''departing'' and inserting ''that departs''; and

(5) in subparagraph (D), by striking ''making'' and inserting ''that makes''.

(b) DELEGATION OF AUTHORITY.—Section 14103(c) of that title is amended by striking ''intended to be engaged on'' and inserting ''that engages on''.

(c) APPLICATION.—Section 14301 of that title is amended—

(1) by amending subsection (a) to read as follows:

''(a) Except as otherwise provided in this section, this chapter applies to any vessel for which the application of an international agreement or other law of the United States to the vessel depends on the vessel's tonnage.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking the period at the end and inserting '', unless the government of the country to which the vessel belongs elects to measure the vessel under this chapter.'';

(B) in paragraph (3), by inserting ''of United States or Canadian registry or nationality, or a vessel operated under the authority of the United States or Canada, and that is'' after ''vessel'';

(C) in paragraph (4), by striking ''a vessel (except a vessel engaged'' and inserting ''a vessel of United States registry or nationality, or one operated under the authority of the United States (except a vessel that engages'';

(D) by striking paragraph (5);

(E) by redesignating paragraph (6) as paragraph (5); and

(F) by amending paragraph (5), as so redesignated, to read as follows:

''(5) a barge of United States registry or nationality, or a barge operated under the authority of the United States (except a barge that engages on a foreign voyage) unless the owner requests.'';

(3) by striking subsection (c);

(4) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(5) in subsection (c), as redesignated, by striking ''After July 18, 1994, 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 A.494 (XII) of November 19, 1981, A.540 (XIII) of November 17, 1983, or A.541 (XIII) of November 17, 1983, apply)''.

(d) MEASUREMENT.—Section 14302(b) of that title is amended to read as follows:

''(b) A vessel measured under this chapter may not be required to be measured under another law.''.

(e) TONNAGE CERTIFICATE.—

(1) ISSUANCE.—Section 14303 of title 46, United States Code, is amended—

(A) in subsection (a), by adding at the end the following: ''For a vessel to which the Convention does not apply, the Secretary shall prescribe a certificate to be issued as evidence of a vessel's measurement under this chapter.'';

(B) in subsection (b), by inserting ''issued under this section'' after ''certificate''; and

(C) in the 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) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 143 of that title is amended by striking the item relating to section 14303 and inserting the following:

''14303. Tonnage Certificate.''.

(f) OPTIONAL REGULATORY MEASUREMENT.—Section 14305(a) of that title is amended by striking ''documented 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 143 of this title if the application of an international agreement or other law of the United States to the vessel depends on the vessel's tonnage.''; and

(2) in paragraph (2), by striking ''a vessel'' and inserting ''A vessel''.

(h) DUAL TONNAGE MEASUREMENT.—Section 14513(c) 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 gross and net 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.''.

(i) RECIPROCITY FOR FOREIGN VESSELS.—Subchapter II of chapter 145 of that title is amended by adding at the end the following:

''§ 14514. Reciprocity for foreign vessels

''For a foreign vessel not measured under chapter 143, if the Secretary finds that the laws and regulations of a foreign country related to measurement of vessels are substantially similar to those of this chapter and the regulations prescribed under this chapter, the Secretary may accept the measurement and certificate of a vessel of that foreign country as complying with this chapter and the regulations prescribed under this chapter.''.

(j) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 145 of such title is amended by adding at the end the following:

''14514. Reciprocity for foreign vessels.''.

SEC. 304. MERCHANT MARINER DOCUMENT STANDARDS.

Not later than 270 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating 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—

(1) a plan, including estimated costs, to ensure that the process for an application, by an individual who has, or has applied for, a transportation security card under section 70105 of title 46, United States Code, for a merchant mariner document can be completed entirely by mail; and

(2) a report on the feasibility of, and a timeline to, redesign the merchant mariner document to comply with the requirements of such section, including a biometric identifier, and all relevant international conventions, including the International Labour Organization Convention Number 185 concerning the seafarers identity document, and include a review on whether or not such redesign will eliminate the need for separate identity credentials and background screening and streamline the application process for mariners.

SEC. 305. 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 surveys new technology and 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 subsection (a) to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate.

SEC. 306. PHASEOUT OF VESSELS SUPPORTING OIL AND GAS DEVELOPMENT.

(a) IN GENERAL.—Notwithstanding section 12111(d) of title 46, United States Code, foreign-flag vessels may be chartered by, or on behalf of, a lessee to be employed for the setting, relocation, or recovery of anchors or other mooring equipment of a mobile offshore drilling unit that is located over the Outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)) for operations in support of exploration, or flow-testing and stimulation of wells, for offshore mineral or energy resources in the Beaufort Sea or the Chukchi Sea adjacent to Alaska—

(1) for a 1-year period from the date the lessee gives the Secretary of Transportation written notice of the commencement of such exploration drilling if the Secretary determines, after publishing notice in the Federal Register, that insufficient vessels documented under section 12111(d) of title 46, United States Code, are reasonably available and suitable for these support operations and all such reasonably available and suitable vessels are employed in support of such operations; and

(2) for an additional period until such vessels are available if the Secretary of Transportation determines—

(A) that, by April 30 of the year following the commencement of exploration drilling, the lessee has entered into a binding agreement to employ a suitable vessel or vessels to be documented under section 12111(d) of title 46, United States Code, in sufficient numbers and with sufficient suitability to replace any foreign-flag vessel or vessels operating under this section; and

(B) after publishing notice in the Federal Register, that insufficient vessels documented under section 12111(d) of title 46, United States Code, are reasonably available and suitable for these support operations and all such reasonably available and suitable vessels are employed in support of such operations.

(b) EXPIRATION.—Irrespective of the year in which the commitment referred to in subsection (a)(2)(A) occurs, foreign-flag anchor handling vessels may not be employed for the setting, relocation, or recovery of anchors or other mooring equipment of a mobile offshore drilling unit after December 31, 2017.

(c) LESSEE DEFINED.—In this section, the term ''lessee'' means the holder of a lease (as defined in section 1331(c) of title 43, United States Code), who, prior to giving the written notice in subsection (a)(1), has entered into a binding agreement to employ a suitable vessel documented or to be documented under 12111(d) of title 46, United States Code.

(d) SAVINGS PROVISION.—Nothing in subsection (a) may be construed to authorize the employment in the coastwise trade of a vessel that does not meet the requirements of 12111 of title 46, United States Code.

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, shall coordinate the establishment of domestic transportation policies in the Arctic necessary to carry out the purpose of this section.

(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 cooperative agreements, contracts, or other agreements with, or make grants to individuals

and governments to carry out the purpose of this section or any agreements established under subsection (b).

(e) ICEBREAKING.—The Secretary of the department in which the Coast Guard is operating shall promote safe maritime navigation by means of icebreaking where 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 nongovernmental, 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 for operation by the Coast Guard;

(iii) construction of new polar icebreakers by the National Science Foundation for operation by the Foundation;

(iv) rebuilding, renovating, or improving the existing fleet of 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 the Commandant considers appropriate under section 93(a)(24) of title 14, United States Code, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(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 to assess polar icebreaking mission requirements for all Coast Guard missions including search and rescue, marine pollution response and prevention, fisheries enforcement, and maritime commerce, whichever occurs later, the Commandant of the Coast Guard shall submit a report containing the results of the study, together with recommendations the Commandant considers appropriate under section 93(a)(24) of title 14, United States Code, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(h) ARCTIC DEFINITION.—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).

TITLE IV—ACQUISITION REFORM

SEC. 401. CHIEF ACQUISITION OFFICER.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is further amended by adding at the end the following:

''§ 56. Chief Acquisition Officer

''(a) IN GENERAL.—There shall be in the Coast Guard a Chief Acquisition Officer selected by the Commandant who shall be a Rear Admiral or civilian from the Senior Executive Service (career reserved) and who meets the qualifications set forth under subsection (b). The Chief Acquisition Officer shall serve at the Assistant Commandant level and have acquisition management as that individual's primary duty.

''(b) QUALIFICATIONS.—

''(1) The Chief Acquisition Officer and any flag officer serving in the Acquisition Directorate shall be an acquisition professional with a Level III acquisition management certification and must have at least 10 years experience in an acquisition position, of which at least 4 years were spent as—

''(A) the program executive officer;

''(B) the program manager of a Level 1 or Level 2 acquisition project or program;

''(C) the deputy program manager of a Level 1 or Level 2 acquisition;

''(D) the project manager of a Level 1 or Level 2 acquisition; or

''(E) any other acquisition position of significant responsibility in which the primary duties are supervisory or management duties.

''(2) The Commandant shall periodically publish a list of the positions designated under paragraph (1).

''(3) In this subsection each of the terms 'Level 1 acquisition' and 'Level 2 acquisition' has the meaning that term has in chapter 15 of this title.

''(c) FUNCTIONS OF THE CHIEF ACQUISITION OFFICER.—The functions of the Chief Acquisition Officer include—

''(1) monitoring the performance of acquisition projects and programs on the basis of applicable performance measurements and advising the Commandant, through the chain of command, regarding the appropriate business strategy to achieve the missions of the Coast Guard;

''(2) maximizing the use of full and open competition at the prime contract and subcontract levels in the acquisition of property, capabilities, assets, and services by the Coast Guard by establishing policies, procedures, and practices that ensure that the Coast Guard receives a sufficient number of sealed bids or competitive proposals from responsible sources to fulfill the Government's requirements, including performance and delivery schedules, at the lowest cost or best value considering the nature of the property, capability, asset, or service procured;

''(3) making acquisition decisions in concurrence with the technical authority, or technical authorities, of the Coast Guard, as designated by the Commandant, consistent with all other applicable laws and decisions establishing procedures within the Coast Guard;

''(4) ensuring the use of detailed performance specifications in instances in which performance-based contracting is used;

''(5) managing the direction of acquisition policy for the Coast Guard, including implementation of the unique acquisition policies, regulations, and standards of the Coast Guard;

''(6) developing and maintaining an acquisition career management program in the Coast Guard to ensure that there is an adequate acquisition workforce;

''(7) assessing the requirements established for Coast Guard personnel regarding knowledge and skill in acquisition resources and management and the adequacy of such requirements for facilitating the achievement of the performance goals established for acquisition management;

''(8) developing strategies and specific plans for hiring, training, and professional development; and

''(9) reporting to the Commandant, through the chain of command, on the progress made in improving acquisition management capability.''.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 3 of title 14, United States Code, is amended by adding at the end the following:

''56. Chief Acquisition Officer.''.

(c) SELECTION DEADLINE.—As soon as practicable after the date of enactment of this Act, but no later than October 1, 2011, the Commandant of the Coast Guard shall select a Chief Acquisition Officer under section 56 of title 14, United States Code, as amended by this section.

(d) SPECIAL RATE SUPPLEMENTS.—

(1) REQUIREMENT TO ESTABLISH.—Not later than 1 year after the date of enactment of this Act and in accordance with part 9701.333 of title 5, Code of Federal Regulations, the Commandant of the Coast Guard shall establish special rate supplements that provide higher pay levels for employees necessary to carry out the amendment made by this section.

(2) SUBJECT TO APPROPRIATIONS.—The requirement under paragraph (1) is subject to the availability of appropriations.

(e) ELEVATION OF DISPUTES TO THE CHIEF ACQUISITION OFFICER.—If, after 90 days following the elevation to the Chief Acquisition Officer of any design or other dispute regarding Level 1 or Level 2 acquisition, the dispute remains unresolved, the Commandant shall provide to the appropriate congressional committees a detailed description of the issue and the rationale underlying the decision taken by the Chief Acquisition Officer to resolve the issue.

SEC. 402. ACQUISITIONS.

(a) IN GENERAL.—Part I of title 14, United States Code, is amended by inserting after chapter 13 the following:

''CHAPTER 15—ACQUISITIONS

''SUBCHAPTER I—GENERAL PROVISIONS

''Sec.
''561. Acquisition directorate.
''562. Improvements in Coast Guard acquisition management.
''563. Recognition of Coast Guard personnel for excellence in acquisition.
''564. Prohibition on use of lead systems integrators.
''565. Required contract terms.
''566. Department of Defense consultation.
''567. Undefinitized contractual actions.
''568. Guidance on excessive pass-through charges.
''569. Report on former Coast Guard officials employed by contractors to the agency.

''SUBCHAPTER II—IMPROVED ACQUISITION PROCESS AND PROCEDURES

''Sec.
''571. Identification of major system acquisitions.
''572. Acquisition.
''573. Preliminary development and demonstration.
''574. Acquisition, production, deployment, and support.
''575. Acquisition program baseline breach.
''576. Acquisition approval authority.

''SUBCHAPTER III—DEFINITIONS

''581. Definitions.

''SUBCHAPTER I—GENERAL PROVISIONS

''§ 561. Acquisition directorate

''(a) ESTABLISHMENT.—The Commandant of the Coast Guard shall establish an acquisition directorate to provide guidance and

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 MANAGERS.—

''(1) LEVEL 1 PROJECTS.—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, resources, responsibilities, tenure, and accountability of program and project managers for the management of acquisition projects and programs. The guidance shall address, at a minimum—

''(A) the 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 interruption until 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 address, 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, including the rotational assignments that will be provided to project or program managers;

''(ii) the provision of enhanced training and educational opportunities for individuals who are or may become project or program managers;

''(iii) the provision of mentoring support to current and future 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 support 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 Coast Guard 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 perform acquisition-related functions 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 HEADQUARTER 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 a management information system capability to improve acquisition 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, assignment 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 Committee on Homeland Security of the House of Representatives 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.

''(2) CONTENTS.—The report shall—

''(A) specify the number of officers, members, and employees of the Coast Guard currently and planned to be assigned to each position designated under subsection (c); and

''(B) identify positions that are understaffed to meet the anticipated acquisition workload, and actions that will be taken to correct such understaffing.

''(f) APPOINTMENTS TO ACQUISITION POSITIONS.—The Commandant shall ensure that no requirement or preference for officers or members of the Coast Guard is used in the consideration of persons for positions in the acquisition workforce.

''(g) CAREER PATHS.—

''(1) IDENTIFICATION OF CAREER PATHS.—To establish acquisition management as a core competency of the Coast Guard, the Commandant shall—

''(A) 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

''(B) publish information on such career paths.

''(2) PROMOTION PARITY.—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.

''§ 563. Recognition of Coast Guard personnel for excellence in acquisition

''(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 commence implementation of a program to recognize excellent performance by individuals and teams comprised 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 comprised 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 one or 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 so recognized warrants the award of such bonus.

''§ 564. Prohibition on use of lead systems integrators

''(a) IN GENERAL.—

''(1) USE OF LEAD SYSTEMS INTEGRATOR.—Except as provided in subsection (b), the Commandant may not use a private sector entity as a lead systems integrator for an acquisition contract awarded or delivery order or task order issued after the date of enactment of the Coast Guard Authorization Act for Fiscal Years 2010 and 2011.

''(2) FULL AND OPEN COMPETITION.—The Commandant and any lead systems integrator engaged by the Coast Guard, pursuant to the exceptions described in subsection (b), shall use full and open competition for any acquisition contract awarded after the date of enactment of that Act, unless otherwise

excepted in accordance with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation.

''(3) NO EFFECT ON SMALL BUSINESS ACT.—Nothing in this subsection shall be construed to supersede or otherwise affect the authorities provided by and under the Small Business Act (15 U.S.C. 631 et seq.).

''(b) EXCEPTIONS.—

''(1) NATIONAL DISTRESS AND RESPONSE SYSTEM MODERNIZATION PROGRAM; C4ISR; NATIONAL SECURITY CUTTERS 2 AND 3.—Notwithstanding subsection (a), the Commandant may use a private sector entity as a lead systems integrator for the Coast Guard to complete the National Distress and Response System Modernization Program (otherwise known as the 'Rescue 21' program), the C4ISR 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) REPORT 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 the private sector lead systems integrator with the expected cost if the acquisition were awarded directly to the manufacturer or shipyard. For purposes of that comparison, the cost of award directly to a manufacturer or shipyard shall include the costs of Government contract management and oversight.

''(c) LIMITATION ON LEAD SYSTEMS INTEGRATORS.—Neither an entity performing lead systems integrator functions for a Coast Guard acquisition nor a Tier 1 subcontractor for any acquisition may have a financial interest in a subcontractor below the Tier 1 subcontractor level unless—

''(1) the subcontractor was selected by the prime contractor through full and open competition for such procurement;

''(2) the procurement was awarded by the lead systems integrator or a subcontractor through full and open competition;

''(3) the procurement was awarded by a subcontractor through a process over which the lead systems integrator and a Tier 1 subcontractor exercised no control; or

''(4) the Commandant has determined that the procurement was awarded in a manner consistent with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation.

''(d) TERMINATION DATE FOR EXCEPTIONS.—Except as described in subsection (b)(1), the Commandant may not use a private sector entity as a lead systems integrator for acquisition contracts awarded, or task orders or delivery orders issued, after the earlier of—

''(1) September 30, 2011; or

''(2) the date on which the Commandant certifies in writing to the appropriate congressional committees that the Coast Guard has available and can retain sufficient acquisition workforce personnel and expertise within the Coast Guard, through an arrangement with other Federal agencies, or through contracts or other arrangements with private sector entities, to perform the functions and responsibilities of the lead systems integrator in an efficient and cost-effective manner.

''§ 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 of a capability or 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—

''(1) provides that all certifications for an end-state capability or asset under such contract, delivery order, or task order, respectively, will be conducted by the Commandant or an independent third party, and that self-certification by a contractor or subcontractor is not allowed;

''(2) provides that the Commandant shall maintain the authority to establish, approve, and maintain technical requirements;

''(3) requires that any measurement of contractor and subcontractor performance be based on the status of all work performed, including the extent to which the work performed met all performance, cost, and schedule requirements;

''(4) specifies that, for the acquisition or upgrade of air, surface, or shore capabilities and assets for which compliance with TEMPEST certification is a requirement, the standard for determining such compliance will be the air, surface, or shore standard then used by the Department of the Navy for that type of capability or asset; and

''(5) for any contract awarded to acquire an Offshore Patrol Cutter, includes provisions specifying the service life, fatigue life, and days underway in general Atlantic and North Pacific Sea conditions, maximum range, and maximum speed the cutter will be built to achieve.

''(b) PROHIBITED PROVISIONS.—

''(1) IN GENERAL.—The Commandant shall ensure that any contract awarded or delivery order or task order issued by the Coast Guard after the date of enactment of the Coast Guard Authorization Act of 2010 does not include any provision allowing for equitable adjustment that is not consistent with the Federal Acquisition Regulations.

''(2) EXTENSION OF PROGRAM.—A contract, contract modification, or award term extending a contract with a lead systems integrator—

''(A) may not include any minimum requirements for the purchase of a given or determinable number of specific capabilities or assets; and

''(B) shall be reviewed by an independent third party with expertise in acquisition management, and the results of that review shall be submitted to the appropriate congressional committees at least 60 days prior to the award of the contract, contract modification, or award term.

''(c) INTEGRATED PRODUCT TEAMS.—Integrated product teams, and all teams that oversee integrated product teams, shall be chaired by officers, members, or employees of the Coast Guard.

''(d) TECHNICAL AUTHORITY.—The Commandant shall maintain or designate the technical authority to establish, approve, and maintain technical requirements. Any such designation shall be made in writing and may not be delegated to the authority of the Chief Acquisition Officer established by section 56 of this title.

''§ 566. Department of Defense consultation

''(a) IN GENERAL.—The Commandant shall make arrangements as appropriate with the Secretary of Defense for support in contracting and management of Coast Guard acquisition programs. The Commandant shall also seek opportunities to make use of Department of Defense contracts, and contracts of other appropriate agencies, to obtain the best possible price for assets acquired for the Coast Guard.

''(b) INTERSERVICE TECHNICAL ASSISTANCE.—The Commandant shall seek to enter into a memorandum of understanding or a memorandum of agreement with the Secretary of the Navy to obtain the assistance of the Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition, including the Navy Systems Command, with the oversight of 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 Commandants 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 Naval Systems Command, to facilitate the development of organic capabilities in the Coast Guard.

''(c) TECHNICAL REQUIREMENT APPROVAL PROCEDURES.—The Chief Acquisition Officer shall adopt, to the extent practicable, procedures modeled after those used by the Navy Senior Acquisition Official to approve all technical requirements.

''(d) 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 reforms or by seeking acquisition expertise from the Department of Defense; and

''(3) addresses specifically the question of whether the Coast Guard can better leverage Department of Defense or other agencies' contracts that would meet the needs of Level 1 or Level 2 acquisitions in order to obtain the best possible price.

''§ 567. Undefinitized contractual actions

''(a) IN GENERAL.—The Coast Guard may not enter into an undefinitized contractual action unless such action is directly approved by the Head of Contracting Activity of the Coast Guard.

''(b) REQUESTS FOR UNDEFINITIZED CONTRACTUAL ACTIONS.—Any request to the Head of Contracting Activity for approval of an undefinitized contractual action shall include a description of the anticipated effect on requirements of the Coast Guard if a delay is incurred for the purposes of determining contractual terms, specifications, and price before performance is begun under the contractual action.

''(c) REQUIREMENTS FOR UNDEFINITIZED CONTRACTUAL ACTIONS.—

''(1) DEADLINE FOR AGREEMENT ON TERMS, SPECIFICATIONS, AND PRICE.—A contracting officer of the Coast Guard may not enter into an undefinitized contractual action unless the contractual action provides for agreement upon contractual terms, specification, and price by the earlier of—

''(A) the end of the 180-day period beginning on the date on which the contractor submits a qualifying proposal to definitize the contractual terms, specifications, and price; or

''(B) the date on which the amount of funds obligated under the contractual action is equal to more than 50 percent of the negotiated overall ceiling price for the contractual action.

''(2) 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 overall ceiling price until the contractual terms, specifications, and price are definitized for such contractual 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 overall ceiling price is obligated on such action, the contracting officer 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.

''(3) WAIVER.—The Commandant may waive the application of this subsection with respect to a contract if the Commandant determines that the waiver is necessary to support—

''(A) a contingency operation (as that term is defined in section 101(a)(13) of title 10);

''(B) operations to prevent or respond to a transportation security incident (as defined in section 70101(6) of title 46);

''(C) an operation in response to an emergency that poses an unacceptable threat to human health or safety or to the marine environment; or

''(D) an operation in response to a natural disaster or major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(4) LIMITATION ON APPLICATION.—This subsection does not apply to an undefinitized contractual action for the purchase of initial spares.

''(d) INCLUSION OF NONURGENT REQUIREMENTS.—Requirements for spare parts and support equipment that are not needed on an urgent basis may not be included in an undefinitized contractual action by the Coast Guard for spare parts and support equipment that are needed on an urgent basis unless the Commandant approves such inclusion as being—

''(1) good business practice; and

''(2) in the best interests of the United States.

''(e) MODIFICATION OF SCOPE.—The scope of an undefinitized contractual action under which performance has begun may not be modified unless the Commandant approves such modification as being—

''(1) good business practice; and

''(2) in the best interests of the United States.

''(f) ALLOWABLE PROFIT.—The Commandant shall ensure that the profit allowed on an undefinitized contractual action for which the final price is negotiated after a substantial portion of the performance required is completed reflects—

''(1) the possible reduced cost risk of the contractor with respect to costs incurred during performance of the contract before the final price is negotiated; and

''(2) the reduced cost risk of the contractor with respect to costs incurred during performance of the remaining portion of the contract.

''(g) DEFINITIONS.—In this section:

''(1) UNDEFINITIZED CONTRACTUAL ACTION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'undefinitized contractual action' means a new procurement action entered into by the Coast Guard for which the contractual terms, specifications, or price are not agreed upon before performance is begun under the action.

''(B) EXCLUSION.—The term 'undefinitized contractual action' does not include contractual actions with respect to—

''(i) foreign military sales;

''(ii) purchases in an amount not in excess of the amount of the simplified acquisition threshold; or

''(iii) special access programs.

''(2) QUALIFYING PROPOSAL.—The term 'qualifying 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 date of enactment 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 no, or negligible, value has been added to a contract by a contractor or subcontractor;

''(2) set forth 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', with respect to a contractor or subcontractor that adds no, or negligible, value to a contract or subcontract, means a charge to the Government by the contractor or subcontractor 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 managing lower tier contractors and subcontracts and overhead and profit based on such direct costs.

''(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 that is 360 days 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, and annually thereafter, the Comptroller General of the United States shall submit a report to the appropriate congressional committees on the employment during the preceding year by Coast Guard contractors of individuals who were Coast Guard officials in the previous 5-year period. The report shall assess the extent to which former Coast Guard officials were provided compensation by Coast Guard contractors in the preceding calendar year.

''(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 by those contractors to work on contracts or programs between the contractor and the Coast Guard, including contracts or programs for which the former official personally had oversight responsibility or decisionmaking 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 contractor 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 under subchapter VIII of chapter 53 of title 5, United States Code, 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—

''(A) completes 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

''(B) prepares a preliminary affordability assessment for the project or program.

''(b) ELEMENTS.—

''(1) REQUIREMENTS.—The mechanisms required by subsection (a) shall ensure 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)(B), 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 development and production of new assets and capabilities for Level 1 and Level 2 acquisitions projects and programs.

''(c) HUMAN RESOURCE CAPITAL PLANNING.—The Commandant shall develop staffing predictions, define human capital performance initiatives, 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 until the Commandant—

''(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;

''(4) produces a life-cycle cost estimate; and

''(5) assesses the relative merits of alternatives to determine a preferred solution in accordance with the requirements of this section.

''(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 key 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 capability or asset to be acquired under the project or program.

''(4) A detailed schedule for the acquisition process showing when all capability and asset acquisitions are to be completed and when all acquired capabilities and assets are to be initially and fully deployed.

''(c) ANALYSIS OF ALTERNATIVES.—

''(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 shall be prepared by a federally funded research and development center, a qualified entity of the Department of Defense, or a similar independent third-party entity that has appropriate 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 evaluation 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 evaluation of relevant 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 production and deployment 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) if they are likely to be significant, an examination of likely disposal costs and the levels of uncertainty associated with such estimated costs; and

''(v) 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; and

''(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-level or asset-level and subsystem-level design and development, including 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.

''(3) 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, assessment, modeling, and simulation activities; and

''(H) the Government entity or independent entity that will perform the test, evaluation, assessment, modeling, and simulation activities.

''(4) 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.

''(5) 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 before 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 required under this subsection before the master plan is approved by the Chief Acquisition Officer.

''(e) LIFE-CYCLE COST ESTIMATES.—

''(1) IN GENERAL.—The Commandant shall implement mechanisms to ensure the development and regular updating of life-cycle cost estimates for each acquisition with a total acquisition cost that equals or exceeds $10,000,000 and an expected service life of 10 or more years, and to ensure that these estimates are considered in decisions to develop or produce new or enhanced capabilities and assets.

''(2) TYPES OF ESTIMATES.—In addition to life-cycle cost estimates that may be developed by acquisition program offices, the Commandant shall require that an independent life-cycle cost estimate be developed for each Level 1 or Level 2 acquisition project or program.

''(3) REQUIRED UPDATES.—For each Level 1 or Level 2 acquisition project or program the Commandant shall require that life-cycle cost estimates shall be updated before each milestone decision is concluded and the project or program enters a new acquisition phase.

"§ 573. Preliminary development and demonstration

''(a) IN GENERAL.—The Commandant shall ensure that developmental test and evaluation, operational test and evaluation, life-cycle cost estimates, and the development and demonstration requirements applied by this chapter to acquisition projects and programs are met to confirm that the projects or programs meet the requirements identified in the mission-analysis and affordability 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 a 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 and 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 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 assessment event or activity that identified the 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 of any contract or issuance of any delivery order or task order for low, initial, or full-rate production of the capability or asset concerned if they will remain uncorrected or unmitigated 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 of the capability or asset before the safety concerns are corrected or mitigated. The report shall also include an explanation of the actions that will be 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 as soon as practicable, but not later than 30 days after the completion of the test and evaluation event or activity that identified the safety concern; and

''(B) notify the Chief Acquisition Officer and include in such notification—

''(i) an explanation of the actions that will be taken to correct or mitigate the safety concern in all capabilities or assets and subsystems of the capabilities or assets yet to be produced, and the date by which those actions will be taken;

''(ii) an explanation of the actions that will be taken to correct or mitigate the safety concern in previously produced capabilities or assets and subsystems of the capabilities or assets, and the date by which those actions will be taken; and

''(iii) an assessment of the adequacy of current funding to correct or mitigate the safety concern in capabilities or assets and subsystems of the capabilities or assets and in previously produced capabilities or assets and subsystems.

''(c) TECHNICAL CERTIFICATION.—

''(1) IN GENERAL.—The Commandant shall ensure that any Level 1 or Level 2 acquisition project or program is certified by the technical authority of the Coast Guard after review by an independent third party with capabilities in the mission area, asset, or particular asset component.

''(2) TEMPEST TESTING.—The Commandant shall—

''(A) cause all electronics on all aircraft, surface, and shore capabilities and assets that require TEMPEST certification and that are delivered after the date of enactment of the Coast Guard Authorization Act of 2010 to be tested in accordance with TEMPEST standards and communications security (comsec) standards by an independent third party that is authorized by the Federal Government to perform such testing; and

''(B) certify that the assets meet all applicable TEMPEST requirements.

''(3) CUTTER CLASSIFICATION.—

''(A) IN GENERAL.—The Commandant shall cause each cutter, other than a National Security Cutter, acquired by the Coast Guard and delivered after the date of enactment of the Coast Guard Authorization Act of 2010 to be classed by the American Bureau of Shipping before final acceptance.

''(B) REPORTS.—Not later than December 31, 2011, and biennially thereafter, the Commandant shall provide a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate identifying which, if any, Coast Guard cutters that have been issued a certificate of classification by the American Bureau of Shipping have not been maintained in class and detailing the reasons why they have not been maintained in class.

''(4) OTHER VESSELS.—The Commandant shall cause the design and construction of each National Security Cutter, other than National Security Cutters 1, 2, and 3, to be assessed by an independent third party with expertise in vessel design and construction certification.

''(5) AIRCRAFT AIRWORTHINESS.—The Commandant shall cause all aircraft and aircraft engines acquired by the Coast Guard and delivered after the date of enactment of the Coast Guard Authorization Act of 2010 to be assessed for airworthiness by an independent third party with expertise in aircraft and aircraft engine certification before final acceptance.

''§ 574. Acquisition, production, deployment, and support

''(a) IN GENERAL.—The Commandant shall—

''(1) ensure there is a stable and efficient production and support capability to develop an asset or capability for the Coast Guard;

''(2) conduct follow-on testing to confirm and monitor performance and correct deficiencies; and

''(3) conduct acceptance tests and trials prior to the delivery of each asset or system to ensure the delivered asset or system achieves full operational capability.

''(b) ELEMENTS.—The Commandant shall—

''(1) execute production contracts;

''(2) ensure that delivered assets and capabilities meet operational cost and schedules requirements established in the acquisition program baseline;

''(3) validate manpower and training requirements to meet system needs to operate, maintain, support, and instruct the assets or capabilities; and

''(4) prepare an acquisition project or program transition plan to enter into programmatic sustainment, operations, and support.

''§ 575. Acquisition program baseline breach

''(a) IN GENERAL.—The Commandant shall submit a report to the appropriate congressional committees and the Committee on Homeland Security of the House of Representatives as soon as possible, but not later than 30 days, after the Chief Acquisition Officer of the Coast Guard 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 for that individual capability or asset or a class of capabilities or assets;

''(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.

''(b) 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;

''(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.

''(c) SUBSTANTIAL VARIANCES 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 written 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 or asset class that will 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 department procurements, 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 required 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

''§ 581. Definitions

''In this chapter:

''(1) 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.

''(2) CHIEF ACQUISITION OFFICER.—The term 'Chief Acquisition Officer' means the officer appointed under section 56 of this title.

''(3) 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; or

''(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) due to—

''(I) the experimental or technically immature nature of the asset;

''(II) the technological complexity of the asset;

''(III) the commitment of resources; or

''(IV) the nature of the capability or set of capabilities to be achieved; or

''(ii) because such acquisition is a joint acquisition.

''(5) LEVEL 2 ACQUISITION.—The term 'Level 2 acquisition' means an acquisition by the Coast Guard—

''(A) the estimated life-cycle costs of which are equal to or less than $1,000,000,000, but greater than $300,000,000; or

''(B) the estimated total acquisition costs of which are equal to or less than $300,000,0000, but greater than $100,000,000.

''(6) LIFE-CYCLE COST.—The term 'life-cycle cost' means all costs for development, procurement, construction, and operations and support for a particular capability or asset, without regard to funding source or management control.

''(7) PROJECT OR PROGRAM MANAGER DEFINED.—The term 'project or program manager' means an individual designated—

''(A) to develop, produce, and deploy a new asset to meet identified operational requirements; and

''(B) to manage cost, schedule, and performance of the acquisition, project, or program.

''(8) SAFETY CONCERN.—The term 'safety concern' means any hazard associated with a capability or asset or a subsystem of a capability or asset that is likely to cause serious bodily injury or death to a typical Coast Guard user in testing, maintaining, repairing, or operating the capability, asset, or subsystem or any hazard associated with the capability, asset, or subsystem that is likely to cause major damage to the capability, asset, or subsystem during the course of its normal operation by a typical Coast Guard user.

''(9) DEVELOPMENTAL TEST AND EVALUATION.—The term 'developmental test and evaluation' means—

''(A) the testing of a capability or asset and the subsystems of the capability or asset to determine whether they meet all contractual performance requirements, including technical performance requirements, supportability requirements, and interoperability requirements and related specifications; and

''(B) the evaluation of the results of such testing.

''(10) OPERATIONAL TEST AND EVALUATION.—The term 'operational test and evaluation' means—

''(A) the testing of a capability or asset and the subsystems of the capability or asset, under conditions similar to those in which the capability or asset and subsystems will actually be deployed, for the purpose of determining the effectiveness and suitability of the capability or asset and subsystems for use by typical Coast Guard users to conduct those missions for which the capability or asset and subsystems are intended to be used; and

''(B) the evaluation of the results of such testing.''.

(b) CONFORMING AMENDMENT.—The part analysis for part I of title 14, United States Code, is amended by inserting after the item relating to chapter 13 the following:

''15. Acquisitions ..... 561''.

SEC. 403. NATIONAL SECURITY CUTTERS.

(a) NATIONAL SECURITY CUTTERS 1 AND 2.—Not later than 90 days before the Coast Guard awards any contract or issues any delivery order or task order to strengthen the hull of either of National Security Cutter 1 or 2 to resolve the structural design and performance issues identified in the Department of Homeland Security Inspector General's Report OIG–07–23 dated January 2007, the Commandant shall submit to the appropriate congressional committees all results of an assessment of the proposed hull strengthening design conducted by the Coast Guard, including—

(1) a description in detail of the extent to which the hull strengthening measures to be implemented on those cutters will enable the cutters to meet contract and performance requirements;

(2) a cost-benefit analysis of the proposed hull strengthening measures for National Security Cutters 1 and 2; and

(3) a description of any operational restrictions that would have to be applied to either National Security Cutter 1 or 2 if the proposed hull strengthening measures were not implemented on either cutter.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section the term ''appropriate congressional committees'' means the Committees on Transportation and Infrastructure and Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 404. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

(a) IN GENERAL.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Commandant of the Coast Guard may—

(1) designate any category of acquisition positions within the Coast Guard as shortage category positions; and

(2) use the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

(b) LIMITATION.—The Commandant may not appoint a person to a position of employment under this paragraph after September 30, 2012.

(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.

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

''(a)(1) The President may designate no more than 4 positions of importance and responsibility that shall be held by officers who—

''(A) while so serving, shall have the grade of vice admiral, with the pay and allowances of that grade; and

''(B) shall perform such duties as the Commandant may prescribe.

''(2) The President may appoint, by and with the advice and consent of the Senate, and reappoint, by and with the advice and consent of the Senate, to any such position an officer of the Coast Guard who is serving on active duty above the grade of captain. The Commandant shall make recommendations for such appointments.

''(3) (A) Except as provided in subparagraph (B), one of the vice admirals designated under paragraph (1) must have at least 10 years experience in vessel inspection, marine casualty investigations, mariner licensing, or an equivalent technical expertise in the design and construction of commercial vessels, with at least 4 years of leadership experience at a staff or unit carrying out marine safety functions and shall serve as the principal advisor to the Commandant on these issues.

''(B) The requirements of subparagraph (A) do not apply to such vice admiral if the subordinate officer serving in the grade of rear admiral with responsibilities for marine safety, security, and stewrdship possesses that experience.

''(b)(1) The appointment and the grade of vice admiral shall be effective on the date the officer assumes that duty and, except as provided in paragraph (2) of this subsection or in section 51(d) of this title, shall terminate on the date the officer is detached from that duty.

''(2) An officer who is appointed to a position designated under subsection (a) shall continue to hold the grade of vice admiral—

''(A) while under orders transferring the officer to another position designated under subsection (a), beginning on the date the officer is detached from that duty and terminating on the date before the day the officer assumes the subsequent duty, but not for more than 60 days;

''(B) while hospitalized, beginning on the day of the hospitalization and ending on the day the officer is discharged from the hospital, but not for more than 180 days; and

''(C) while awaiting retirement, beginning on the date the officer is detached from duty and ending on the day before the officer's retirement, but not for more than 60 days.

''(c)(1) An appointment of an officer under subsection (a) does not vacate the permanent grade held by the officer.

''(2) An officer serving in a grade above rear admiral who holds the permanent grade of rear admiral (lower half) shall be considered for promotion to the permanent grade of rear admiral as if the officer was serving in the officer's permanent grade.

''(d) Whenever a vacancy occurs in a position designated under subsection (a), the Commandant shall inform the President of the qualifications needed by an officer serving in that position or office to carry out effectively the duties and responsibilities of that position or office.''.

(b) REPEAL.—Section 50a of such title is repealed.

(c) CONFORMING AMENDMENTS.—Section 51 of such title is amended—

(1) by striking subsections (a), (b), and (c) and inserting the following:

''(a) An officer, other than the Commandant, who, while serving in the grade of vice admiral, is retired for physical disability shall be placed on the retired list with the highest grade in which that officer served.

''(b) An officer, other than the Commandant, who is retired while serving in the grade of vice admiral, or who, after serving at least 2½ years in the grade of vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be retired with the highest grade in which that officer served.

''(c) An officer, other than the Commandant, who, after serving less than 2½ years in the grade of vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade.''; and

(2) by striking ''Area Commander, or Chief of Staff'' in subsection (d)(2) and inserting ''or Vice Admiral''.

(d) CONTINUITY OF GRADE.—Section 52 of title 14, United States Code, is amended by inserting ''or admiral'' after ''vice admiral'' the first place it appears.

(e) CONTINUATION ON ACTIVE DUTY.—The second sentence of section 290(a) of title 14, United States Code, is amended to read as follows: ''Officers, other than the Commandant, serving for the time being or who have served in the grade of vice admiral are not subject to consideration for continuation under this subsection, and as to all other provisions of this section shall be considered

as having been continued at the grade of rear admiral.''.

(f) CLERICAL AMENDMENTS.—

(1) The section caption for section 47 of such title is amended to read as follows:

''§ 47. Vice commandant; 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 Commandant; appointment.'';

(B) by striking the item relating to section 50a;

(C) by striking the item relating to section 50 and inserting the following:

''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, an officer who, 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 another 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. 521. PREVENTION AND RESPONSE STAFF.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following new sections:

''§ 57. Prevention and response workforces

''(a) CAREER PATHS.—The Secretary, acting through the Commandant, shall ensure that appropriate career paths for civilian and military Coast Guard 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 a—

''(1) marine inspector shall have the training, experience, and qualifications equivalent to that required for a similar position at a classification society recognized by the Secretary under section 3316 of title 46 for the type of vessel, system, or equipment that is inspected;

''(2) marine casualty investigator shall have the training, experience, and qualifications in investigation, marine casualty reconstruction, evidence collection and preservation, human factors, and documentation using best investigation practices by Federal and non-Federal entities; or

''(3) marine safety engineer shall have knowledge, skill, and practical experience in—

''(A) the construction and operation of commercial vessels;

''(B) judging the character, strength, stability, and safety qualities of such vessels and their equipment; or

''(C) the qualifications and training of vessel personnel.

''(c) APPRENTICESHIP REQUIREMENT TO QUALIFY FOR CERTAIN CAREERS.—The Commandant may require an officer, member, or employee of the Coast Guard in training for a specialized prevention or response career path to serve an apprenticeship under the guidance of a qualified individual. However, an individual in training to become a marine inspector, marine casualty investigator, or marine safety engineer shall serve a minimum of one-year as an apprentice unless the Commandant authorizes a shorter period for certain qualifications.

''(d) MANAGEMENT INFORMATION SYSTEM.—The Secretary, acting through the Commandant, shall establish a management information system for the prevention and response workforces that shall provide, at a minimum, the following standardized information on persons serving in those workforces:

''(1) Qualifications, assignment history, and tenure in assignments.

''(2) Promotion rates for military and civilian personnel.

''(e) ASSESSMENT OF ADEQUACY OF MARINE SAFETY WORKFORCE.—

''(1) REPORT.—The Secretary, acting through the Commandant, 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 by December 1 of each year on the adequacy of the current marine safety workforce to meet that anticipated workload.

''(2) CONTENTS.—The report shall specify the number of civilian and military Coast Guard personnel currently assigned to marine safety positions and shall identify positions that are understaffed to meet the anticipated marine safety workload.

''(f) SECTOR CHIEF OF PREVENTION.—There shall be in each Coast Guard sector a Chief of Prevention who shall be at least a Lieutenant Commander or civilian employee within the grade GS–13 of the General Schedule, and who shall be a—

''(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 individual signing 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 at least a Lieutenant Commander or civilian employee within the grade GS–13 of the General Schedule in each Coast Guard 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 the center or to enhance the operation 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, or any member 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 of any person involved in such a program.

''(3) The Commandant shall 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, including 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 include provisions, consistent with sections 3702 through 3704 of title 5, as to matters concerning—

''(A) the duration and termination of assignments;

''(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 1105 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:

''57. Prevention and response workforces.
''58. Centers of expertise for Coast Guard prevention and response.
''59. Marine industry training programs.''.

SEC. 522. MARINE SAFETY MISSION PRIORITIES AND LONG-TERM GOALS.

(a) IN GENERAL.—Chapter 21 of title 46, United States Code, is amended by adding at the end the following new section:

''§ 2116. Marine safety strategy, goals, and performance assessments

''(a) LONG-TERM STRATEGY AND GOALS.—In conjunction with existing federally required strategic planning efforts, the Secretary shall develop a long-term strategy for improving vessel safety and the safety of individuals on vessels. The strategy shall include the issuance each year of an annual plan and schedule for achieving the following goals:

''(1) Reducing the number and rates of marine casualties.

''(2) Improving the consistency and effectiveness of vessel and operator enforcement and compliance programs.

''(3) Identifying and targeting enforcement efforts at high-risk vessels and operators.

''(4) Improving research efforts to enhance and promote vessel and operator safety and performance.

''(b) CONTENTS OF STRATEGY AND ANNUAL PLANS.—

''(1) MEASURABLE GOALS.—The strategy and annual plans shall include specific numeric or measurable goals designed to achieve the goals set forth in subsection (a). The purposes of the numeric or measurable goals are the following:

''(A) To increase the number of safety examinations on all high-risk vessels.

''(B) To eliminate the backlog of marine safety-related rulemakings.

''(C) To improve the quality and effectiveness of marine safety information databases by ensuring that all Coast Guard personnel accurately and effectively report all safety, casualty, and injury information.

''(D) To provide for a sufficient number of Coast Guard marine safety personnel, and provide adequate facilities and equipment to carry out the functions referred to in section 93(c).

''(2) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of—

''(A) the funds and staff resources needed to accomplish each activity included in the strategy and plans; and

''(B) the staff skills and training needed for timely and effective accomplishment of each goal.

''(c) SUBMISSION WITH THE PRESIDENT'S BUDGET.—Beginning with fiscal year 2011 and each fiscal year thereafter, the Secretary shall submit to Congress the strategy and annual plan not later than 60 days following the transmission of the President's budget submission under section 1105 of title 31.

''(d) ACHIEVEMENT OF GOALS.—

''(1) PROGRESS ASSESSMENT.—No less frequently than semiannually, the Coast Guard Commandant shall assess the progress of the Coast Guard toward achieving the goals set forth in subsection (b). The Commandant shall convey the Commandant's assessment to the employees of the marine safety workforce and shall identify any deficiencies that should be remedied before the next progress assessment.

''(2) REPORT TO CONGRESS.—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—

''(A) on the performance of the marine safety program in achieving the goals of the marine safety strategy and annual plan under subsection (a) for the year covered by the report;

''(B) on the program's mission performance in achieving numerical measurable goals established under subsection (b); and

''(C) recommendations on how to improve performance of the program.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following new item:

''2116. Marine safety strategy, goals, and performance assessments.''.

(c) CERTIFICATES OF INSPECTION.—Section 3309 of title 46, United States Code, is amended by adding at the end the following:

''(d) A certificate of inspection issued under this section shall be signed by the senior Coast Guard member or civilian employee who inspected the vessel, in addition to the officer in charge of marine inspection.''.

SEC. 523. POWERS AND DUTIES.

Section 93 of title 14, United States Code, is amended by adding at the end the following new subsections:

''(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) the authority of Coast Guard officers and members to enforce marine safety regulations using authority under section 89 of this title; or

''(2) the exercise of authority under section 91 of this title and the provisions of law codified at sections 191 through 195 of title 50 on the date of enactment of this paragraph.''.

SEC. 524. APPEALS AND WAIVERS.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is further amended by inserting at the end the following new section:

''§ 102. Appeals and waivers

''Except for the Commandant of the Coast Guard, any individual adjudicating an appeal or waiver of a decision regarding marine safety, including inspection or manning and threats to the environment, shall—

''(1) be a qualified specialist with the training, experience, and qualifications in marine safety to effectively judge the facts and circumstances involved in the appeal and make a judgment regarding the merits of the appeal; or

''(2) have a senior staff member who—

''(A) meets the requirements of paragraph (1);

''(B) actively advises the individual adjudicating the appeal; and

''(C) concurs in writing on the decision on appeal.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following new item:

''102. Appeals and waivers.''.

SEC. 525. COAST GUARD ACADEMY.

(a) IN GENERAL.—Chapter 9 of title 14, United States Code, is further amended by adding at the end the following new section:

''§ 200. Marine safety curriculum

''The Commandant of the Coast Guard shall ensure that professional courses of study in marine safety are provided at the Coast Guard Academy, and during other officer accession programs, to give Coast Guard cadets and other officer candidates a background and understanding of the marine safety program. These courses may include such topics as program history, vessel design and construction, vessel inspection, casualty investigation, and administrative law and regulations.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following new item:

''200. Marine safety curriculum.''.

SEC. 526. REPORT REGARDING CIVILIAN MARINE INSPECTORS.

Not later than one year 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 on Coast Guard's efforts to recruit and retain civilian marine inspectors and investigators and the impact of such recruitment and retention efforts on Coast Guard organizational performance.

TITLE VI—MARINE SAFETY

SEC. 601. SHORT TITLE.

This title may be cited as the ''Maritime Safety Act of 2010''.

SEC. 602. VESSEL SIZE LIMITS.

(a) LENGTH, TONNAGE, AND HORSEPOWER.—Section 12113(d)(2) of title 46, United States Code, is amended—

(1) by inserting ''and'' after the semicolon at the end of subparagraph (A)(i);

(2) by striking ''and'' at the end of subparagraph (A)(ii);

(3) by striking subparagraph (A)(iii);

(4) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(5) by inserting at the end the following:

''(C) the vessel is either a rebuilt vessel or a replacement vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–627) and is eligible for a fishery endorsement under this section; or

''(D) the vessel is a fish tender vessel that is not engaged in the harvesting or processing of fish.''.

(b) CONFORMING AMENDMENTS.—

(1) VESSEL REBUILDING AND REPLACEMENT.—Section 208(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–627) is amended to read as follows:

''(g) VESSEL REBUILDING AND REPLACEMENT.—

''(1) IN GENERAL.—

''(A) REBUILD OR REPLACE.—Notwithstanding any limitation to the contrary on replacing, 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), (c), (d), or (e), in order to improve vessel safety and operational efficiencies (including fuel efficiency), may rebuild or replace that vessel (including fuel efficiency) with a vessel documented with 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 such 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 transferred to the rebuilt or replacement vessel or its owner, as necessary to permit such rebuilt or replacement vessel to operate 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 subsections (b)(2), (c)(1), and (c)(2) of section 12113 of title 46, United States Code, a vessel that is eligible under subsection (a), (b), (c), or (e) and that qualifies to be documented with a fishery endorsement pursuant to section 213(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 213(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 mortgagee 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) a vessel eligible 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 rebuilt or replaced 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 210(b) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–629) 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 determination 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, in the manner specified by 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 cooperative for 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) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this paragraph shall be construed—

''(i) to make the vessels AJ (United States official number 905625), 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 302(a)(1) 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 that is not 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 conducted by 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 SAFETY.

(a) SAFETY STANDARDS.—Section 4502 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 (8) as paragraph (7);

(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 ''lifeboats or liferafts'' 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—

''(1) 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

''(2) 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:

''(g)(1) 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) be based on professional knowledge and skill obtained through sea service and hands-on training, including training in seamanship, stability, collision prevention, navigation, fire fighting 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 once 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 section.

''(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 grants under this subsection.

''(j)(1) The Secretary shall establish a Fishing Safety Research Grant Program to provide funding to individuals in academia, members of non-profit organizations and businesses involved in fishing and maritime matters, and other persons with expertise in fishing safety, to conduct research on methods of improving the safety of the commercial fishing industry, including vessel design, emergency and survival equipment, enhancement of vessel monitoring systems, communications devices, de-icing technology, and severe weather detection.

''(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 fiscal years 2010 through 2014 for activities under this subsection.''.

(b) CONFORMING AMENDMENT.—Section 4506(b) of title 46, United States Code, is repealed.

(c) ADVISORY COMMITTEE.—

(1) CHANGE OF NAME.—Section 4508 of title 46, United States Code, is amended—

(A) by striking the section heading and inserting the following:

''§ 4508. Commercial Fishing Safety Advisory Committee'';

and

(B) in subsection (a) by striking ''Industry Vessel''.

(2) MEMBERSHIP REQUIREMENTS.—Section 4508(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—''; and

(ii) in clause (ii), by striking ''an uninspected'' and inserting ''a'';

(C) by striking 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''; and

(v) by adding at the end the following new clause:

''(v) owners of vessels to which this chapter applies.''.

(3) TERMINATION.—Section 4508(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:

''4508. 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, shall comply with such an alternative 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 4503 of title 46, United States Code, is amended—

(A) by striking the section heading and inserting the following:

''§ 4503. Fishing, fish tender, and fish processing vessel certification'';

(B) in subsection (a) by striking ''fish processing''; and

(C) by adding at the end the following:

''(c) This section applies to a vessel to which section 4502(b) of this title applies that is at least 50 feet overall in length and is built after July 1, 2012.

''(d)(1) After January 1, 2020, a fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies shall comply with an alternate safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary, if the vessel—

''(A) is at least 50 feet overall in length;

''(B) is built before July 1, 2012; and

''(C) is 25 years of age or older.

''(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 safety compliance program, shall comply with such an alternative safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary.

''(3) Alternative safety compliance programs may be developed for purposes of paragraph (1) 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 that paragraph until January 1, 2030, if that owner enters into a compliance agreement with the Secretary that provides for a fixed schedule for all of the vessels owned by that person to meet 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 4502(b) of this title applies that was classed before July 1, 2012, shall—

''(A) remain subject to the requirements of a classification society approved by the Secretary; and

''(B) 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.''.

(f) ALTERNATIVE SAFETY COMPLIANCE PROGRAM.—No later than January 1, 2017, the Secretary of the department in which the Coast Guard is operating shall prescribe an alternative safety compliance program referred to in section 4503(d)(1) of the title 46, United States Code, as amended by this section.

SEC. 605. MARINER RECORDS.

Section 7502 of title 46, United States Code, is amended—

(1) by inserting ''(a)'' before ''The'';

(2) by striking ''computerized records'' and inserting ''records, including electronic records,''; and

(3) by adding at the end the following:

''(b) The Secretary may prescribe regulations requiring a vessel owner or managing operator of a commercial vessel, or the employer of a seaman on that vessel, to maintain records of each individual engaged on the vessel subject to inspection under chapter 33 on matters of engagement, discharge, and service for 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 employer 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.''.

SEC. 606. DELETION OF EXEMPTION OF LICENSE REQUIREMENT FOR OPERATORS OF CERTAIN TOWING VESSELS.

Section 8905 of title 46, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 607. LOG BOOKS.

(a) IN GENERAL.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following:

''§ 11304. Additional logbook and entry requirements

''(a) A vessel of the United States that is subject to inspection under section 3301 of this title, except a vessel on a voyage from a port in the United States to a port in Canada, shall have an official logbook, which shall be kept available for review by the Secretary on request.

''(b) The log book required by subsection (a) shall include the following entries:

''(1) The time when each seaman and each officer assumed or relieved the watch.

''(2) The number of hours in service to the vessels of each seaman and each officer.

''(3) An account of each accident, illness, and injury that occurs during each watch.''.

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

''11304. Additional logbook and entry requirements.''.

SEC. 608. SAFE OPERATIONS AND EQUIPMENT STANDARDS.

(a) IN GENERAL.—Chapter 21 of title 46, United States Code, is further amended by adding at the end the following new sections:

''§ 2117. Termination for unsafe operation

''An individual authorized to enforce this title—

''(1) may remove a certificate required by this title from a vessel that is operating in a condition that does not comply with the provisions of the certificate;

''(2) may order the individual in charge of a vessel that is operating that does not have on board the certificate required by this title to return the vessel to a mooring and to remain there until the vessel is in compliance with this title; and

''(3) may direct 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 if the official observes the vessel being operated in an unsafe condition that the official believes creates an especially hazardous condition, including ordering the individual in charge to return the vessel to a mooring and to remain there until the situation creating the hazard is corrected or ended.

''§ 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; and

''(2) operationally practical.

''(b) Using the standards established under subsection (a), the Secretary may also certify lifesaving equipment that 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.''.

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

''2117. Termination for unsafe operation.

''2118. Establishment of equipment standards.''.

SEC. 609. APPROVAL OF SURVIVAL CRAFT.

(a) IN GENERAL.—Chapter 31 of title 46, United States Code, is amended by adding at the end the following new section:

''§ 3104. Survival craft

''(a) Except as provided in subsection (b), the Secretary may not approve a survival craft as a safety device for purposes of this part, unless the craft ensures that no part of an individual is immersed in water.

''(b) The Secretary may authorize a survival craft that does not provide protection described in subsection (a) to remain in service until not later than January 1, 2015, if—

''(1) it was approved by the Secretary before January 1, 2010; and

''(2) it is in serviceable condition.''.

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

''3104. Survival craft.''.

SEC. 610. SAFETY MANAGEMENT.

(a) VESSELS TO WHICH REQUIREMENTS APPLY.—Section 3202 of title 46, United States Code, is amended—

(1) in subsection (a) by striking the heading and inserting ''FOREIGN VOYAGES AND FOREIGN VESSELS.—'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

''(b) OTHER PASSENGER VESSELS.—This chapter applies to a vessel that is—

''(1) a passenger vessel or small passenger vessel; and

''(2) is transporting more passengers than a number prescribed by the Secretary based on the number of individuals on the vessel that could be killed or injured in a marine casualty.'';

(4) in subsection (d), as so redesignated, by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(5) in subsection (d)(4), as so redesignated, by inserting ''that is not described in subsection (b) of this section'' after ''waters''.

(b) SAFETY MANAGEMENT SYSTEM.—Section 3203 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(c) In prescribing regulations for passenger vessels and small passenger vessels, the Secretary shall consider—

''(1) the characteristics, methods of operation, and nature of the service of these vessels; and

''(2) with respect to vessels that are ferries, the sizes of the ferry systems within which the vessels operate.''.

SEC. 611. PROTECTION AGAINST DISCRIMINATION.

(a) IN GENERAL.—Section 2114 of title 46, United States Code, is amended—

(1) in subsection (a)(1)(A), by striking ''or'' after the semicolon;

(2) in subsection (a)(1)(B), by striking the period at the end and inserting a semicolon;

(3) by adding at the end of subsection (a)(1) the following new subparagraphs:

''(C) the seaman testified in a proceeding brought to enforce a maritime safety law or regulation prescribed under that law;

''(D) the seaman notified, or attempted to notify, the vessel owner or the Secretary of a work-related personal injury or work-related illness of a seaman;

''(E) the seaman cooperated with a safety investigation by the Secretary or the National Transportation Safety Board;

''(F) the seaman furnished information to the Secretary, the National Transportation Safety Board, or any other public official as to the facts relating to any marine casualty resulting in injury or death to an individual or damage to property occurring in connection with vessel transportation; or

''(G) the seaman accurately reported hours of duty under this part.''; and

(4) by amending subsection (b) to read as follows:

''(b) A seaman alleging discharge or discrimination in violation of subsection (a) of this section, or another person at the seaman's request, may file a complaint with respect to such allegation in the same manner as a complaint may be filed under subsection (b) of section 31105 of title 49. Such complaint shall be subject to the procedures, requirements, and rights described in that section, including with respect to the right to file an objection, the right of a person to file for a petition for review under subsection (c) of that section, and the requirement to bring a civil action under subsection (d) of that section.''.

(b) EXISTING ACTIONS.—This section shall not affect the application of section 2114(b) of title 46, United States Code, as in effect before the date of enactment of this Act, to an action filed under that section before that date.

SEC. 612. OIL FUEL TANK PROTECTION.

Section 3306 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(k)(1) Each vessel of the United States that is constructed under a contract entered into after the date of enactment of the Maritime Safety Act of 2010, or that is delivered after January 1, 2011, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of Regulation 12A under Annex I to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, entitled 'Oil Fuel Tank Protection'.

''(2) The Secretary may prescribe regulations to apply the requirements described in Regulation 12A to vessels described in paragraph (1) that are not otherwise subject to that convention. Any such regulation shall be considered to be an interpretive rule for the purposes of section 553 of title 5.

''(3) In this subsection the term 'oil fuel' means any oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.''.

SEC. 613. OATHS.

Section 7105 of title 46, United States Code, is amended by striking ''before a designated official''.

SEC. 614. DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) MERCHANT MARINER'S DOCUMENTS.—Section 7302(f) of title 46, United States Code, is amended to read as follows:

''(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 is valid 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 active suspension or revocation of that previously issued merchant mariner's document, whichever is later.''.

(b) DURATION OF LICENSES.—Section 7106 of such title is amended to read as follows:

''§ 7106. Duration of licenses

''(a) 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 radiotelegraph operator license issued by the Federal Communications Commission.

''(b) ADVANCE RENEWALS.—A renewed license issued under this part may be issued 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 active suspension or revocation 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

''(a) 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.

''(b) ADVANCE RENEWALS.—A renewed certificate of registry issued under this part may be issued 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 active suspension or revocation 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

''(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may—

''(1) extend for not more than one year an expiring license or certificate of registry issued for an individual under chapter 73 if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry or in response to a national emergency or natural disaster, as deemed necessary by the Secretary; or

''(2) issue for not more than five years an expiring license or certificate of registry issued for an individual under chapter 73 for the exclusive purpose of aligning the expiration date of such license or certificate of registry with the expiration date of a merchant mariner's document.

''(b) MERCHANT MARINER DOCUMENTS.—Notwithstanding section 7302(g), the Secretary may—

''(1) extend for not more than one year an expiring merchant mariner's document issued for an individual under chapter 73 if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry or in response to a national emergency or natural disaster, as deemed necessary by the Secretary; or

''(2) issue for not more than five years an expiring merchant mariner's document issued for an individual under chapter 73 for the exclusive purpose of aligning the expiration date of such merchant mariner's document with the expiration date of a merchant mariner's document.

''(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

''7507. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.''.

SEC. 616. MERCHANT MARINER ASSISTANCE REPORT.

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—

(1) 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, staff officer, or operator and for a merchant mariner's document to help eliminate errors by merchant mariners when completing the application form (CG–719B), including instructions attached to the application form and a modified application form for renewals with questions pertaining only to the period of time since the previous application;

(3) providing notice to an applicant of 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) DEFINITION.—

(A) IN GENERAL.—Section 2101(19) of title 46, United States Code, is amended by striking ''of more than 15 gross tons but less than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

(B) EXEMPTION.—Section 5209(b)(1) of the Oceans Act of 1992 (Public Law 102–587; 46 U.S.C. 2101 note) is amended by striking ''vessel.'' and inserting ''vessel of less than 500 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 of such title as prescribed by the Secretary under section 14104 of such title.''.

(2) APPLICATION.—Section 3702(b) of title 46, United States Code, is amended by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(b) SCALE OF EMPLOYMENT: ABLE SEAMEN.—Section 7312(d) of title 46, United States Code, is amended to read as follows:

''(d) INDIVIDUALS QUALIFIED AS ABLE SEAMEN.—Offshore supply vessel under section 7310 of this title may constitute all of the able seamen required on board a vessel of less than 500 gross tons as measured under section 14502 of this title or 6,000 gross tons as measured under section 14302 of this title engaged in support of exploration, exploitation, or production of offshore mineral or energy resources. Individuals qualified as able seamen—limited under section 7308 of this 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 this title or 6,000 gross tons as measured under section as measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this 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:

''(b)(1) An offshore supply vessel of less than 500 gross tons as measured under section 14502 of this title or 6,000 gross tons as measured under section 14302 of this title on a voyage of less than 600 miles shall have a licensed mate. If the vessel is on a voyage of at least 600 miles, however, the vessel shall have 2 licensed mates.

''(2) An offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of this title on a voyage of less than 600 miles shall have at least two licensed mates, provided the offshore supply vessel meets the requirements of section 8104(g)(2). An offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of this title on a voyage of at least 600 miles shall have three licensed mates.

''(3) An offshore supply vessel of more than 200 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, may not be operated without a licensed engineer.''.

(d) WATCHES.—Section 8104(g) of title 46, United States Code, is amended—

(1) by inserting ''(1)'' after ''(g)''; and

(2) by adding at the end the following:

''(2) Paragraph (1) applies to an offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of this title if the individuals engaged on the vessel are in compliance with hours of service requirements (including recording and recordkeeping of that service) as prescribed by the Secretary.''.

(e) OIL FUEL TANK PROTECTION.—

(1) APPLICATION.—An offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of title 46, United States Code, that is constructed under a contract entered into after the date of enactment of this Act, or that is delivered after August 1, 2010, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of Regulation 12A under Annex I to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, entitled Oil Fuel Tank Protection, regardless of whether such vessel is engaged in the coastwise trade or on an international voyage.

(2) DEFINITION.—In this subsection the term ''oil fuel'' means any oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.

(f) REGULATIONS.—

(1) IN GENERAL.—Not later than January 1, 2012, the Secretary of the department in which the Coast Guard is operating shall promulgate regulations to implement the amendments and authorities enacted by this section for offshore supply vessels of at least 6,000 gross tons as measured under section 14302 of title 46, United States Code, and to ensure the safe carriage of oil, hazardous substances, and individuals in addition to the crew on such vessels. The final rule issued pursuant to such rulemaking may supersede the interim final rule promulgated under paragraph (2) of this subsection. In promulgating regulations under this subsection, the Secretary shall take into consideration the characteristics of offshore supply vessels, their methods of operation, and their service in support of exploration, exploitation, or production of offshore mineral or energy resources.

(2) INTERIM FINAL RULE AUTHORITY.—As soon as is practicable and without regard to the provisions of chapters 5 and 6 of title 5, United States Code, the Secretary shall issue an interim final rule as a temporary regulation implementing this section (including the amendments made by this section) for offshore supply vessels of at least 6,000 gross tons as measured under section 14302 of title 46, United States Code, and to ensure the safe carriage of oil, hazardous substances, and individuals in addition to the crew on such vessels.

(3) INTERIM PERIOD.—After the effective date of this Act, prior to the effective date of the regulations prescribed by paragraph (2) of this subsection, and without regard to the provisions of chapters 5 and 6 of title 5, United States Code, and the offshore supply vessel tonnage limits of applicable regulations and policy guidance promulgated prior to the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating may—

(A) issue a certificate of inspection under section 3309 of title 46, United States Code, to an offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of that title if the Secretary determines that such vessel's arrangements and equipment meet the current Coast Guard requirements for certification as a cargo and miscellaneous vessel;

(B) authorize a master, mate, or engineer who possesses an ocean or near coastal license and endorsement under part 11 of subchapter B of title 46, Code of Federal Regulations, (or any successor regulation) that qualifies the licensed officer for service on offshore supply vessels of at least 3,000 gross tons but less than 6,000 gross tons, as measured under section 14302 of title 46, United States Code, to operate offshore supply vessels of at least 6,000 gross tons, as measured under such section; and

(C) authorize any such master, mate, or engineer who also possesses an ocean or near coastal license and endorsement under such part that qualifies the licensed officer for service on non trade-restricted vessels of at least 1,600 gross tons but less than 3,000 gross tons, as measured under such section, to increase the tonnage limitation of such license and endorsement under section 402(c) of such part, using service on vessels certificated under both subchapters I and L of such title and measured only under such section, except that such tonnage limitation shall not exceed 10,000 gross tons as measured under such section.

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 3 nautical miles from the coastline of the Great Lake,'' before ''does''.

SEC. 619. LIFESAVING DEVICES ON UNINSPECTED 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 submit a survey of published data and reports, pertaining to the use, safety, and performance of blended fuels in marine applications, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation of the Senate.

(2) INCLUDED INFORMATION.—To the extent possible, the survey required in subsection (a), shall include data and reports on—

(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;

(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) to the extent available, 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, 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;

(B) any State government or agency;

(C) any local government or agency, including local police and fire departments; and

(D) 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;

(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(f)(1) of title 46, United States Code, is amended by striking ''September 30, 2010.'' and inserting ''September 30, 2020.''.

(b) NATIONAL BOATING SAFETY ADVISORY COUNCIL.—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 by striking ''September 30, 2010.'' and inserting ''September 30, 2020.''.

(d) LOWER MISSISSIPPI RIVER WATERWAY SAFETY ADVISORY COMMITTEE.—Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102–241) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''twenty-four'' and inserting ''twenty-five''; and

(B) 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.''.

(e) 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) by striking 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 with 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 offshore 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).

''(8) Two members representing the general public.''; and

(2) in subsection (e), by striking ''September 30, 2010.'' and inserting ''September 30, 2020.''.

(f) NAVIGATION SAFETY ADVISORY COUNCIL.—Section 5 of the Inland Navigational Rules Act 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 in which the Coast Guard is operating shall establish a Navigation Safety Advisory Council (hereinafter referred to as the

'Council'), consisting of not more than 21 members. All members shall have expertise in Inland and International vessel navigation Rules of the Road, aids to maritime navigation, maritime law, vessel safety, port safety, or commercial diving safety. Upon appointment, all non-Federal members shall be designated as representative members to represent the viewpoints and interests of one of the following groups or organizations:

''(A) Commercial vessel owners or operators.

''(B) Professional mariners.

''(C) Recreational boaters.

''(D) The recreational boating industry.

''(E) State agencies responsible for vessel or port safety.

''(F) The Maritime Law Association.

''(2) PANELS.—Additional persons may be appointed to panels of the Council to assist the Council in performance of its functions.

''(3) NOMINATIONS.—The Secretary, through the Coast Guard Commandant, shall not less often than once a year publish a notice in the Federal Register soliciting nominations for membership on the Council.

''(b) FUNCTIONS.—The Council shall advise, consult with, and make recommendations to the Secretary, through the Coast Guard Commandant, on matters relating to maritime collisions, rammings, groundings, Inland Rules of the Road, International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems. Any advice and recommendations made by the Council to the Secretary shall reflect the independent judgment of the Council on the matter concerned. The Council shall meet at the call of the Coast Guard Commandant, but in any event not less than twice during each calendar year. All proceedings of the Council shall be public, and a record of the proceedings shall be made available for public inspection.''; and

(2) in subsection (d), by striking ''September 30, 2010.'' and inserting ''September 30, 2020.''.

(g) DELAWARE RIVER AND BAY OIL SPILL ADVISORY COMMITTEE.—

(1) IN GENERAL.—Section 607 of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241; 120 Stat. 556) is amended—

(A) in subsection (c)(2), by striking ''Not later than 18 months after the date that the Commandant completes appointment of the members of the Committee,'' and inserting ''Not later than December 31, 2010,'';

(B) in subsection (h), by striking ''2007'' and inserting ''2011''; and

(C) by striking subsection (i) and inserting the following:

''(i) TERMINATION.—The Committee shall terminate 30 days after it transmits its report, pursuant to subsection (c)(2), but no later than December 31, 2010, whichever is earlier.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection are deemed to have taken effect as if they were enacted on July 11, 2006.

(3) CHARTER.—Any charter pertaining to the Delaware River and Bay Oil Spill Advisory Committee is deemed not to have lapsed, and to have remained in effect, and, notwithstanding any other provision of law or policy, shall terminate 30 days after the date the Committee transmits its report, pursuant to section 607(c)(2) of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109-241; 120 Stat. 557), but not later than December 31, 2010, whichever is earlier.

(4) APPOINTMENTS TO COMMITTEE.—Any appointment to the Delaware River and Bay Oil Spill Advisory Committee is deemed not to have lapsed, and to have remained in effect, and, notwithstanding any other provision of law or policy, shall terminate 30 days after the Committee transmits its report, pursuant to section 607(c)(2) of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109-241; 120 Stat. 557), but not later than December 31, 2010, whichever is earlier.

SEC. 622. DELEGATION OF AUTHORITY.

(a) IN GENERAL.—Section 3316 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a United States offshore facility, the authority to—

''(A) review and approve plans required for issuing a certificate of inspection, a certificate of compliance, or any other certification and related documents issued by the Coast Guard pursuant to regulations issued under section 30 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356); and

''(B) conduct inspections and examinations.

''(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only if—

''(A) the foreign society has offices and maintains records in the United States; and

''(B)(i) the government of the foreign country in which the foreign society is headquartered delegates that authority to the American Bureau of Shipping; or

''(ii) the Secretary has entered into an agreement with the government of the foreign country in which the foreign society is headquartered that—

''(I) ensures the government of the foreign country will accept plan review, inspections, or examinations conducted by the American Bureau of Shipping and provide equivalent access to inspect, certify, and provide related services to offshore facilities located in that country or operating under the authority of that country; and

''(II) is in full accord with principles of reciprocity in regards to any delegation contemplated by the Secretary under paragraph (1).

''(3) If an inspection or examination is conducted under authority delegated under this subsection, the person to which the authority was delegated—

''(A) shall maintain in the United States complete files of all information derived from or necessarily connected with the inspection or examination for at least 2 years after the United States offshore facility ceases to be certified; and

''(B) shall permit access to those files at all reasonable times to any officer, employee, or member of the Coast Guard designated—

''(i) as a marine inspector and serving in a position as a marine inspector; or

''(ii) in writing by the Secretary to have access to those files.

''(4) For purposes of this subsection—

''(A) the term 'offshore facility' means any installation, structure, or other device (including any vessel not documented under chapter 121 of this title or the laws of another country), fixed or floating, that dynamically holds position or is temporarily or permanently attached to the seabed or subsoil under the sea; and

''(B) the term 'United States offshore facility' means any offshore facility, fixed or floating, that dynamically holds position or is temporarily or permanently attached to the seabed or subsoil under the territorial sea of the United States or the outer Continental Shelf (as that term is defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)), including any vessel, rig, platform, or other vehicle or structure subject to regulation under section 30 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356).''.

(b) REVIEW AND APPROVAL OF CLASSIFICATION SOCIETY REQUIRED.—Section 3316(c) of title 46, United States Code, is amended by striking so much as precedes paragraph (2) and inserting the following:

''(c)(1) A classification society (including an employee or agent of that society) may not review, examine, survey, or certify the construction, repair, or alteration of a vessel in the United States unless the society has applied for approval under this subsection and the Secretary has reviewed and approved that society with respect to the conduct of that society under paragraph (2).''.

TITLE VII—OIL POLLUTION PREVENTION

SEC. 701. RULEMAKINGS.

(a) STATUS REPORT.—

(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 provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of all Coast Guard rulemakings required or otherwise being developed (but for which no final rule has been issued as of the date of enactment of this Act) under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321).

(2) INFORMATION REQUIRED.—The Secretary shall include in the report required in paragraph (1)—

(A) a detailed explanation with respect to each such rulemaking as to—

(i) what steps have been completed;

(ii) what areas remain to be addressed; and

(iii) the cause of any delays; 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 3306(j) 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. 702. 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 risks 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 putting booms 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; or

(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) APPLICATION 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) applies in State waters; and

(2) does not conflict with, or interfere with the enforcement of, requirements and operational procedures under the regulations.

SEC. 703. IMPROVEMENTS 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) MEASURES.—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 party in a judicial proceeding 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) Notwithstanding paragraph (1), a court may allow discovery by a party in a judicial proceeding of data described in paragraph (1) if, after an in camera review of the 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 data it has decided is discoverable under this paragraph to be admitted into evidence in a judicial proceeding only if the court places the data under seal to prevent the use of the data for a purpose other than for the proceeding.

(3) APPLICATION.—Paragraph (1) shall not apply to—

(A) any disclosure made with actual knowledge that the disclosure was false, inaccurate, or misleading; or

(B) any disclosure 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 the State 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 (33 U.S.C. 1321(j)) (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. 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 vessel response plan 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 207 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 marina programs that encourage marina operators, recreational boaters, and small commercial vessel operators to engage in environmentally sound operating and maintenance procedures and best management practices to prevent or reduce pollution from oil spills and other sources;

(3) cooperative oil spill prevention education programs that promote public understanding of the impacts of spilled oil and provide useful information and techniques to minimize pollution, including methods to remove oil and reduce oil contamination of bilge water, prevent accidental spills during maintenance and refueling and properly cleanup and dispose of oil and hazardous substances; and

(4) support for programs, including outreach and education to address derelict vessels and the threat of such vessels sinking and discharging oil and other hazardous substances, including outreach and education to involve efforts to the owners of such vessels.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Commerce for Oceans and Atmosphere to carry out this section, $10,000,000 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 federally recognized Indian tribes with respect to oil spill prevention, preparedness, response and natural resource damage assessment.

(b) INCLUSION OF TRIBAL GOVERNMENT.—The Secretary of the Department in which the Coast Guard is operating shall ensure that, as soon as practicable after identifying an oil spill that is likely to have a significant impact on natural or cultural resources owned or directly utilized by a federally recognized Indian tribe, the Coast Guard will—

(1) 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;

(2) share information about the oil spill with the tribal government of the affected tribe; and

(3) to the extent practicable, involve tribal governments in deciding how to respond to the spill.

(c) COOPERATIVE ARRANGEMENTS.—The Coast Guard may enter into memoranda of agreement and associated protocols with Indian tribal governments in order to establish cooperative arrangements for oil pollution prevention, preparedness, and response. Such memoranda may be entered into prior to the development of the tribal consultation 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 tribal government 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 responding to oil spills;

(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 to carry out this section.

SEC. 707. REPORT ON AVAILABILITY OF TECHNOLOGY TO DETECT THE LOSS OF OIL.

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 400 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) not more than $15,000,000 in each fiscal year shall be available to the Under Secretary of Commerce for Oceans and Atmosphere for expenses incurred by, and activities related to, response and damage assessment capabilities of the National Oceanic and Atmospheric Administration;''.

(b) AUDITS; ANNUAL REPORTS.—Section 1012 of the Oil Pollution Act of 1990 (33 U.S.C. 2712) is amended—

(1) by striking subsection (g) and inserting the following:

''(g) AUDITS.—

''(1) IN GENERAL.—The Comptroller General of the United States shall conduct an audit, including a detailed accounting of each disbursement from the Fund in excess of $500,000 that is—

''(A) disbursed by the National Pollution Fund 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 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:

''(l) REPORTS.—

''(1) IN GENERAL.—Within one year after the date of enactment of the Coast Guard Authorization Act of 2010, and annually thereafter, the President, 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 for purposes of the report required 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, shall ensure that the Coast Guard pursues stronger enforcement in the International Maritime Organization of agreements related to oil discharges, including joint enforcement operations, training, and stronger compliance mechanisms.

SEC. 710. HIGHER VOLUME PORT AREA REGULATORY DEFINITION CHANGE.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Commandant shall initiate a rulemaking proceeding to modify the definition of the term ''higher volume port area'' in section 155.1020 of the Coast Guard regulations (33 C.F.R. 155.1020) by striking ''Port Angeles, WA'' in paragraph (13) of that section and inserting ''Cape Flattery, WA''.

(b) VESSEL RESPONSE PLAN REVIEWS.—Within 5 years after the date of enactment of this Act, the Coast Guard shall complete its review of any changes to vessel response plans under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) resulting from the modification of the higher volume port area definition required by subsection (a).

SEC. 711. TUG ESCORTS FOR LADEN OIL TANKERS.

(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 tug boats;

(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 conducting the analysis required under this subsection, 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 Committee 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 cooperative 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 the enactment of this Act, the'' 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 section 3703(a)(3) of title 46, United States Code, as set forth in part 168 of title 33, Code of Federal Regulations (as in effect on March 1, 2009) implementing this subsection with respect to those tankers) shall apply to double hulled tankers over 5,000 gross tons transporting oil in bulk in Prince William Sound, Alaska.

''(B) IMPLEMENTATION OF REQUIREMENTS.—The Secretary of the department in which the Coast Guard is operating shall prescribe interim final regulations to carry out subparagraph (A) as soon as practicable without notice and hearing pursuant to section 553 of title 5 of the United States Code.''.

(2) EFFECTIVE DATE.—The amendments made by subsection (b) take effect on the date that is 90 days after the date of enactment of this Act.

(c) PRESERVATION OF STATE AUTHORITY.—Nothing in this Act or in any other provision of Federal law related to the regulation of maritime transportation of oil shall affect, or be construed or interpreted as preempting, the authority of any State or political subdivision thereof which require the escort by one or more tugs of laden oil tankers in the areas which are specified in section 4116(c) of the Oil Pollution Act of 1990 (46 U.S.C. 3703 note).

(d) VESSEL TRAFFIC RISK ASSESSMENT.—

(1) REQUIREMENT.—The Commandant of the Coast Guard, acting through the appropriate Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act, shall prepare a vessel traffic risk assessment for Cook Inlet, Alaska, within one year after the date of enactment of this Act.

(2) CONTENTS.—The assessment shall describe, for the region covered by the assessment—

(A) the amount and character of present and estimated future shipping traffic in the region; and

(B) the current and projected use and effectiveness in reducing risk, of—

(i) traffic separation schemes and routing measures;

(ii) long-range vessel tracking systems developed under section 70115 of title 46, United States Code;

(iii) towing, response, or escort tugs;

(iv) vessel traffic services;

(v) emergency towing packages on vessels;

(vi) increased spill response equipment including equipment appropriate for severe weather and sea conditions;

(vii) the Automatic Identification System developed under section 70114 of title 46, United States Code;

(viii) particularly sensitive sea areas, areas to be avoided, and other traffic exclusion zones;

(ix) aids to navigation; and

(x) vessel response plans.

(3) RECOMMENDATIONS.—

(A) IN GENERAL.—The assessment shall include any appropriate recommendations to

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.

(4) PROVISION TO CONGRESS.—The Commandant shall provide a copy of the assessment to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 712. 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. 713. LIABILITY FOR USE OF SINGLE-HULL VESSELS.

Section 1001(32)(A) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(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 3703a(b)(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) PURPOSE.—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 preparing to engage or engaging in a violation of law relating to a threat or an act of terrorism (as that term is defined in section 3077 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 or, for proprietary purposes, the location of such individual.

''(e) COORDINATION.—The Secretary shall coordinate the Program with other like watch programs. The Secretary shall submit, concurrent with the President's budget submission for each fiscal year, a report on coordination of the Program and like watch programs within the Department of Homeland Security to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives.

''(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 2016. Such funds shall remain available until expended.''.

(b) CLERICAL 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 completing the pilot 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 identified 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 70107A(b) 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)(A) include—

''(i) information management systems, and

''(ii) sensor management systems; and

''(B) where practicable, provide for the physical co-location of the Coast Guard and, as the Secretary determines appropriate, representatives of the United States Customs and Border Protection, the United States Immigration and Customs Enforcement, the Transportation Security Administration, the Department of Justice, the Department of Defense, and other Federal agencies, State and local law enforcement or port security personnel, members of the Area Maritime Security Committee, and other public and private sector stakeholders adversely affected by a transportation security incident or transportation disruption;''; and

(4) in paragraph (2), as so redesignated—

(A) by striking ''existing centers, including—'' and inserting ''existing centers;''; and

(B) by striking subparagraph (A) and (B); and

(5) by adding ''and'' at the end of paragraph (3), as so redesignated.

SEC. 804. DEPLOYABLE, SPECIALIZED FORCES.

(a) IN GENERAL.—Section 70106 of title 46, United States Code, is amended to read as follows:

''§ 70106. Deployable, specialized forces

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—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 such activity in accordance with the transportation security plans developed under section 70103.

''(2) ENHANCED TEAMS.—Such specialized forces shall 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 or at, respectively, 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;

''(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.—The enhanced teams 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) 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 by striking the item relating to section 70106 and inserting the following:

''70106. Deployable, specialized forces.''.

SEC. 805. COAST GUARD DETECTION CANINE TEAM PROGRAM EXPANSION.

(a) DEFINITIONS.—For purposes of this section:

(1) CANINE DETECTION TEAM.—The term ''detection canine 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.—

(1) INCREASED CAPACITY.—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 cargo vessels, and other vessels identified by the Secretary to strengthen security through the use of highly trained detection canine teams.

(2) CANINE PROCUREMENT.—The Secretary, acting through the Commandant of the Coast Guard, shall procure detection canine teams as efficiently as possible, including, to the greatest 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 2006 (Public Law 109–347).

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.'';

(2) by striking ''If the Secretary, after conducting an assessment under section 70108, finds that a port in a foreign country does not maintain effective antiterrorism measures,'' in section 70109(a) and inserting ''Unless the Secretary finds that a port in a foreign country maintains effective antiterrorism measures,''; and

(3) by striking ''If the Secretary finds that a foreign port does not maintain effective antiterrorism measures,'' in section 70110(a) and inserting ''Unless the Secretary finds that a foreign port maintains effective antiterrorism measures,''.

(b) ASSISTANCE PROGRAM.—Section 70110 of title 46, United States Code, is amended by adding at the end the following:

''(f) COAST GUARD ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—The Secretary may lend, lease, donate, or otherwise provide equipment, and provide technical training and support, to the owner or operator of a foreign port or facility—

''(A) to assist in bringing the port or facility into compliance with applicable International Ship and Port Facility Code standards; and

''(B) to assist the port or facility in correcting deficiencies identified in periodic port assessments and reassessments required under section 70108 of this title.

''(2) CONDITIONS.—The Secretary—

''(A) may provide such assistance based upon an assessment of the risks to the security of the United States and the inability of the owner or operator of the port or facility to bring the port or facility into compliance with those standards and to maintain compliance with, or exceed, such standards;

''(B) may not provide such assistance unless the port or facility has been subjected to a comprehensive port security assessment by the Coast Guard; and

''(C) may only lend, lease, or otherwise provide equipment that the Secretary has first determined is not required by the Coast Guard for the performance of its missions.''.

(c) SAFETY AND SECURITY ASSISTANCE FOR FOREIGN PORTS.—

(1) IN GENERAL.—Section 70110(e)(1) of title 46, United States Code, is amended by striking the second sentence and inserting the following: ''The Secretary shall establish a strategic plan to utilize those assistance programs to assist ports and facilities that are found by the Secretary under subsection (a) not to maintain effective antiterrorism measures in the implementation of port security antiterrorism measures.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 70110 of title 46, United States Code, is amended—

(i) by inserting ''or facilities'' after ''ports'' in the section heading;

(ii) by inserting ''or facility'' after ''port'' each place it appears; and

(iii) by striking ''PORTS'' in the heading for subsection (e) and inserting ''PORTS, FACILITIES,''.

(B) Section 70108(c) of such title is amended—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively

(C) The table of contents for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70110 and inserting the following:

''70110. Actions and assistance for foreign ports or facilities and United States territories.''.

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 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 such chapter is amended by adding at the end the following:

''70123. Mobile biometric identification.''.

(c) COST ANALYSIS.—Within 90 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to 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 an analysis of the cost of expanding the Coast Guard's biometric identification capabilities for use by the Coast Guard's Deployable Operations Group, cutters, stations, and other deployable maritime teams considered appropriate by the Secretary, and any 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.

(d) STUDY ON EMERGING BIOMETRIC CAPABILITIES.—

(1) STUDY REQUIRED.—The Secretary of Homeland Security shall submit to 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 study on the use by the Coast Guard and other departmental entities of the combination of biometric technologies to rapidly identify individuals for security purposes. Such study shall focus on—

(A) increased accuracy of facial recognition;

(B) enhancement of existing iris recognition technology; and

(C) other emerging biometric technologies capable of assisting in confirming the identification of individuals.

(2) PURPOSE OF STUDY.—The purpose of the study required by paragraph (1) is to facilitate the use of a combination biometrics, including facial and iris recognition, to provide a higher probability of success in identification than a single approach and to achieve transformational advances in the flexibility, authenticity, and overall capability of integrated biometric detectors. The operational goal of the study should be to provide the capability to nonintrusively collect biometrics in an accurate and expeditious manner to assist the Coast Guard and the Department of Homeland Security in fulfilling its mission to protect and support national security.

SEC. 808. PILOT PROGRAM FOR FINGERPRINTING OF MARITIME WORKERS.

(a) IN GENERAL.—Within 180 days 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 Secretary establishes the facilities 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 subparagraph (D), 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. 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 facilities owners or operators;

''(iii) at least 1 individual who represents the interests of the terminal owners or operators;

''(iv) at least 1 individual who represents the interests of the vessel owners or operators;

''(v) at least 1 individual who represents the interests of the maritime labor organizations;

''(vi) at least 1 individual who represents the interests of the academic community;

''(vii) at least 1 individual who represents the interests of State or local governments; and

''(viii) at least 1 individual who represents the interests of the maritime industry.

''(B) Each Area Maritime Security Advisory Committee shall be composed of individuals who represents the interests of the port industry, terminal operators, port labor organizations, and other users of the port areas.''; and

(2) in subsection (g)—

(A) in paragraph (1)(A), by striking ''2008;'' and inserting ''2020;''; and

(B) in paragraph (2), by striking ''2006'' and inserting ''2018''.

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.—

(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall—

(A) initiate a national study to identify measures to improve the security of maritime transportation of especially hazardous cargo; and

(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.

(2) MATTERS TO BE INCLUDED.—The study conducted under this subsection shall include—

(A) an analysis of existing risk assessment information relating to waterside security generated by the Coast Guard and Area Maritime Security Committees as part of the Maritime Security Risk Analysis Model;

(B) a review and analysis of appropriate roles and responsibilities of maritime stakeholders, including Federal, State, and local law enforcement and industry security personnel, responsible for waterside security of vessels carrying, and waterfront facilities handling, especially hazardous cargo, including—

(i) the number of ports in which State and local law enforcement entities are providing any services to enforce Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or to conduct security patrols in United States ports;

(ii) 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 the enforcement of Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or the conduct of port security patrols in United States ports, the duration of those agreements, and the aid that State and local entities are engaged to provide through such agreements;

(iii) the extent to which the Coast Guard has set national standards for training, equipment, and resources to ensure that State and local law enforcement entities engaged in enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or in conducting port security patrols in United States ports (or both) can deter to the maximum extent practicable a transportation security incident;

(iv) the extent to which the Coast Guard has assessed the ability of State and local law enforcement entities to carry out the security assignments that they have been engaged to perform, including their ability to meet any national standards for training, equipment, and resources that have been established by the Coast Guard in order to ensure that those entities can deter to the maximum extent practicable a transportation security incident;

(v) the extent to which State and local law enforcement entities are able to meet national standards for training, equipment, and resources established by the Coast Guard to ensure that those entities can deter to the maximum extent practicable a transportation security incident;

(vi) the differences in law enforcement authority, and particularly boarding authority, between the Coast Guard and State and local law enforcement entities, and the impact that these differences have on the ability of State and local law enforcement entities to provide the same level of security that the Coast Guard provides during the enforcement of Coast Guard-imposed security zones and the conduct of security patrols in United States ports; and

(vii) the extent of resource, training, and equipment differences between State and local law enforcement entities and the Coast Guard units engaged in enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or conducting security patrols in United States ports;

(C) recommendations for risk-based security measures to improve waterside security of vessels carrying, and waterfront facilities handling, especially hazardous cargo; and

(D) identification of security funding alternatives, including an analysis of the potential for cost-sharing by the public and private sectors as well as any challenges associated with such cost-sharing.

(3) INFORMATION PROTECTION.—In carrying out the coordination necessary to effectively complete the study, the Commandant shall implement measures to ensure the protection of any sensitive security information, proprietary information, or classified information collected, reviewed, or shared during collaborative engagement with maritime stakeholders and other Government entities, except that nothing in this paragraph shall constitute authority to withhold information from—

(A) the Congress; or

(B) first responders requiring such information for the protection of life or property.

(4) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall submit to 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 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 waterside security of 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 coordinate and 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, and 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 to 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 full fiscal year preceding the report, a statement of the number of especially hazardous cargo shipments provided a waterborne security escort, subdivided by Federal, State, local, or private security; and

''(iii) an assessment as to any additional vessels, personnel, infrastructure, and other resources necessary to provide waterborne escorts to those especially hazardous cargo shipments for which a security zone is established.

''(B) ESPECIALLY HAZARDOUS CARGO DEFINED.—In this subsection, the term 'especially hazardous cargo' means anhydrous ammonia, ammonium nitrate, chlorine, liquefied natural gas, liquiefied petroleum gas, and any other substance, material, or group or class of material, in a particular amount and form that the Secretary determines by regulation poses a significant risk of creating a transportation security incident while being transported in maritime commerce.''.

(d) DEFINITIONS.—For the purposes of this section, the follow definitions apply:

(1) ESPECIALLY HAZARDOUS CARGO.—The term ''especially hazardous cargo'' means anhydrous ammonia, ammonium nitrate, chlorine, liquefied natural gas, liquiefied petroleum gas, and any other substance, material, or group or class of material, in a particular amount and form that the Secretary determines by regulation poses a significant

risk of creating a transportation security incident while being transported in maritime commerce.

(2) AREA MARITIME SECURITY COMMITTEE.—The term ''Area Maritime Security Committee'' means each of those committees responsible for producing Area Maritime Transportation Security Plans under chapter 701 of title 46, United States Code.

(3) TRANSPORTATION SECURITY INCIDENT.—The term ''transportation security incident'' has 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 of the department in which the Coast Guard is operating shall make a recommendation, after considering recommendations made by the States, to the Federal Energy Regulatory Commission as to whether the waterway to a proposed waterside liquefied natural gas facility is suitable or unsuitable for the marine traffic associated 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:

''(n) The Secretary may use a secondary authentication system to verify the identification of individuals using transportation security cards when the individual's fingerprints are not able to be taken or read.''.

SEC. 815. ASSESSMENT OF TRANSPORTATION SECURITY CARD ENROLLMENT SITES.

(a) IN GENERAL.—Not later than 180 days after the date of the 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 enrollment sites open after the date of enactment of this Act; and

(2) the quality of customer service, including the periods of time individuals are kept on hold on the telephone, whether appointments are kept, and processing times for applications.

(b) TIMELINES AND BENCHMARKS.—The Secretary shall develop timelines and benchmarks for implementing the findings of the assessment as the Secretary deems necessary.

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 efforts to mitigate the threat of small boat attack in security zones of major ports, including 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 General shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, 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 background checks and forms of identification required under such programs duplicate or conflict with Federal programs; and

(3) recommendations on limiting the number of background checks and forms of identification required under such programs to reduce or eliminate duplication with Federal programs.

SEC. 818. TRANSPORTATION SECURITY CARDS: ACCESS PENDING ISSUANCE; DEADLINES FOR PROCESSING; RECEIPT.

(a) ACCESS; DEADLINES.—Section 70105 of title 46, United States Code, is further amended by adding at the end the following new subsections:

''(o) ESCORTING.—The Secretary shall coordinate with owners and operators subject to this section to allow any individual who has a pending application for a transportation security card under this section or is waiting for reissuance of such card, including any individual whose card has been lost or stolen, and who needs 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 subsection (a)(1)(B) by another individual who holds a transportation security card. Nothing in this subsection shall be construed as requiring or compelling an owner or operator to provide escorted access.

''(p) PROCESSING TIME.—The Secretary shall review an initial transportation security card application and respond to the applicant, as appropriate, including the mailing of an Initial Determination of Threat Assessment letter, within 30 days after receipt of the initial application. The Secretary shall, to the greatest extent practicable, review appeal and waiver requests submitted by a transportation security card applicant, and send a written decision or request for additional information required for the appeal or waiver determination, within 30 days after receipt of the applicant's appeal or waiver written request. For an applicant that is required to submit additional information for an appeal or waiver determination, the Secretary shall send a written decision, to the greatest extent practicable, within 30 days after receipt of all requested information.''.

(b) RECEIPT OF CARDS.—

(1) 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 Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report assessing the costs, technical feasibility, and security measures associated with implementing procedures to deliver a transportation security card to an approved applicant's place of residence in a secure manner or to allow an approved applicant to receive the card at an enrollment center of the individual's choosing.

(2) PROCESS FOR ALTERNATIVE MEANS OF RECEIPT.—If the Comptroller General finds in the final report under paragraph (1) that it is feasible for a transportation security card to be sent to an approved applicant's place of residence in a secure manner, the Secretary shall, within one year after the date of issuance of the final report by the Comptroller General, implement a secure process to permit an individual approved for a transportation security card to receive the card at the applicant's place of residence or at the enrollment center of the individual's choosing. The individual shall be responsible for any additional cost associated with the secure delivery of a transportation security card.

SEC. 819. HARMONIZING SECURITY CARD EXPIRATIONS.

Section 70105(b) of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(6) The Secretary may extend for up to one year the expiration of a biometric transportation security card required by this section to align the expiration with the expiration of a license, certificate of registry, or merchant mariner document required under chapter 71 or 73.''.

SEC. 820. CLARIFICATION OF RULEMAKING AUTHORITY.

(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 implement this chapter.''.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 701 of such title is further amended by adding at the end the following new item:

''70124. Regulations''.

SEC. 821. PORT SECURITY TRAINING AND CERTIFICATION.

(a) PORT SECURITY TRAINING PROGRAM.—Chapter 701 of title 46, United States Code, is further amended by adding at the end the following:

''§ 70125. Port security training for facility security officers

''(a) FACILITY SECURITY OFFICERS.—The Secretary shall establish comprehensive facility security officer training requirements designed to provide full security training that would lead to certification of such officers. In establishing the requirements, the Secretary shall—

''(1) work with affected industry stakeholders; and

''(2) evaluate—

''(A) the requirements of subsection (b);

''(B) existing security training programs employed at marine terminal facilities; and

''(C) existing port security training programs developed by the Federal Government.

''(b) REQUIREMENTS.—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 a validated provisional online certification methodology;

''(4) provide for continuing education and training for facility security officers beyond certification requirements, including a program to educate on the dangers and issues associated with the shipment of hazardous and especially hazardous cargo;

''(5) addresses port security topics, including—

''(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 security equipment and systems;

''(H) security threats and patterns;

''(I) security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers; and

''(J) evacuation procedures;

''(6) is consistent with, and supports implementation of, the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, the National Maritime Transportation Security Plan, and other such national initiatives;

''(7) is evaluated against clear and consistent performance measures;

''(8) addresses security requirements under facility security plans;

''(9) addresses requirements under the International Code for the Security of Ships and Port Facilities to address shore leave for mariners and access to visitors, representatives of seafarers' welfare organizations, and labor organizations; and

''(10) such other subject matters as may be prescribed by the Secretary.

''(c) CONTINUING SECURITY TRAINING.—The Secretary, in coordination with the Secretary of Transportation, shall work with State and local law enforcement agencies and industry stakeholders 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 107–295), 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 cargoes.

''(3) A program of continuing education as deemed necessary by the Secretary.

''(d) TRAINING PARTNERS.—In developing curriculum and delivering training established 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 grant solicitations for grants for homeland security or port security to ensure that activities surrounding the development of curriculum and the provision of training and these activities are eligible grant activities under both grant programs.''.

(b) CONFORMING 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 the following:

''70125. Port security training for facility security officers''.

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 amended by adding at the end thereof the following:

''(c) SHARING OF ASSESSMENT INTEGRATION OF PLANS AND EQUIPMENT.—The owner or operator of a facility, consistent with any Federal security restrictions, shall—

''(1) make a current copy of the vulnerability assessment conducted under subsection (b) 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 publication 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 vessel or facility described in subsection (a) of this section that desires to implement this capability. This plan shall comply, to the extent 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-POSITIONING INTEROPERABLE COMMUNICATIONS EQUIPMENT AT INTERAGENCY OPERATIONAL CENTERS.

Section 70107A of title 46, United States Code, is amended—

(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 INTEROPERABLE 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) and that such technology and 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 Secretary's authority or discretion—

(1) to conduct an assessment of a foreign port at any time;

(2) to compel the Secretary to conduct an assessment of a foreign port so as to ensure that 2 or more assessments are conducted concurrently; or

(3) to cancel an assessment of a foreign port if the Secretary is unable to conduct 2 or more assessments concurrently.

(c) MULTIPLE ASSESSMENT REPORT.—The Secretary shall provide written notice to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Homeland Security of the House of Representatives whenever the Secretary conducts 2 or more assessments of the same port within a 3-year period.

SEC. 826. AREA TRANSPORTATION SECURITY INCIDENT MITIGATION PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) by redesignating subparagraphs (E) through (G) as subparagraphs (F) through (H), respectively; and

(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 of 2006 (6 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 develop and utilize a national standard and formula for prioritizing and addressing assessed security risks at United State ports and facilities on or adjacent to the waterways of the United States, such as the Maritime Security Risk Assessment Model that has been tested by the Department of Homeland Security.

(b) USE BY 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 when considering departmental resource allocations and grant making decisions.

(d) USE OF MARITIME RISK ASSESSMENT MODEL.—Within 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall make the United States Coast Guard's Maritime Security Risk Assessment Model available, in an unclassified version, on a limited basis to regulated vessels and facilities to conduct true risk assessments of their own facilities and vessels using the same criteria employed by the Coast Guard when evaluating a port area, facility, or vessel.

SEC. 828. PORT SECURITY ZONES.

(a) IN GENERAL.—Section 701 of title 46, United States Code, is amended by adding at the end the following:

''SUBCHAPTER II—PORT SECURITY ZONES

''§ 70131. Definitions

''In this subchapter:

''(1) LAW ENFORCEMENT AGENCY.—The term 'law enforcement agency' means an agency of a State, a political subdivision of a State, or a Federally recognized tribe that is authorized by law to supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

''(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.

''§ 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) shall 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

''(iii) personnel who are employed or retained by a facility or vessel owner to assist in the enforcement of a security zone; and

''(B) may—

''(i) test 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 the curriculum for which is developed pursuant to subparagraph (A).

''(2) Any Federal agency that provides such training, and any public or private entity that receives moneys, pursuant to section 70107(b)(8) of this title, to provide such training, shall 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 or operator 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 Homeland Security 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 access 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, employee organizations, and other entities that provide specialized, state-of-the-art training for governmental and nongovernmental emergency responder providers or commercial seaport personnel and management;

''(2) utilize, as appropriate, government training facilities, courses provided by community colleges, public safety academies, State and private universities, and other facilities; and

''(3) certify 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:

''(8) The cost of training law enforcement personnel—

''(A) to enforce a security zone under section 70132 of this title; or

''(B) 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.''; and

(4) by striking ''2011'' in subsection (l) and inserting ''2013''.

(c) CONFORMING 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—

(3) by inserting before the item relating to section 70101 the following:

''Subchapter I—General''; and

(4) 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''.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. WAIVERS.

(a) GENERAL COASTWISE WAIVER.—Notwithstanding section 12112 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for the following vessels:

(1) ZIPPER (State of New York regulation number NY3205EB).

(2) GULF DIVER IV (United States official number 553457).

(b) GALLANT LADY.—Section 1120(c) of the Coast Guard Authorization Act of 1996 (110 Stat. 3977) is amended—

(1) in paragraph (1)—

(A) by striking ''of Transportation'' and inserting ''of the department in which the Coast Guard is operating''; and

(B) by striking subparagraph (A) and inserting the following:

''(A) the vessel GALLANT LADY (Feadship hull number 672, approximately 168 feet in length).'';

(2) by amending paragraph (3) to read as follows:

''(3) CONDITION.—The only nonrecreational activity authorized for the vessel referred to in subparagraph (A) of paragraph (1) is the transportation of individuals on behalf of an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, for which the owner of the vessel receives no compensation.'';

(3) by striking paragraph (4) and redesignating paragraph (5) as paragraph (4); and

(4) in paragraph (4) (as so redesignated) by striking all after ''shall expire'' and inserting ''on the date of the sale of the vessel by the owner.''.

(c) ACTIVITY OF CERTAIN VESSELS.—

(1) IN GENERAL.—Section 12102 of title 46, United States Code, is amended by adding at the end the following:

''(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 that 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 this subsection 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 by seamen 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 seamen 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 a 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 such title 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 passenger 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 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 less often 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.—

(1) CAP ON PENALTY WAGES.—Section 10504(c) of such title is amended—

(A) by striking ''When'' and inserting ''(1) Subject to subsection (d), and except as provided in paragraph (2), when''; and

(B) by inserting 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 by seamen 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 seamen 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 a 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 10504 of such title is amended by adding at the end the following:

''(f) DEPOSITS IN SEAMAN ACCOUNT.—On written request signed by the seaman, a seaman employed on a passenger 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 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 less often 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.''.

SEC. 903. TECHNICAL CORRECTIONS.

(a) COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006.—Effective with enactment of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241), such Act is amended—

(1) in section 311(b) (120 Stat. 530) by inserting ''paragraphs (1) and (2) of'' before ''section 8104(o)'';

(2) in section 603(a)(2) (120 Stat. 554) by striking ''33 U.S.C. 2794(a)(2)'' and inserting ''33 U.S.C. 2704(a)(2)'';

(3) in section 901(r)(2) (120 Stat. 566) by striking ''the'' the second place it appears;

(4) in section 902(c) (120 Stat. 566) by inserting ''of the United States'' after ''Revised Statutes'';

(5) in section 902(e) (120 Stat. 567) is amended—

(A) by inserting ''and'' after the semicolon at the end of paragraph (1);

(B) by striking ''and'' at the end of paragraph (2)(A); and

(C) by redesignating paragraphs (3) and (4) as subparagraphs (C) and (D) of paragraph (2), respectively, and aligning the left margin of such subparagraphs with the left margin of subparagraph (A) of paragraph (2);

(6) in section 902(e)(2)(C) (as so redesignated) by striking ''this section'' and inserting ''this paragraph'';

(7) in section 902(e)(2)(D) (as so redesignated) by striking ''this section'' and inserting ''this paragraph'';

(8) in section 902(h)(1) (120 Stat. 567)—

(A) by striking ''Bisti/De-Na-Zin'' and all that follows through ''Protection'' and inserting ''Omnibus Parks and Public Lands Management''; and

(B) by inserting a period after ''Commandant of the Coast Guard''; and

(9) in section 902(k) (120 Stat. 568) is amended—

(A) by inserting ''the Act of March 23, 1906, commonly known as'' before ''the General Bridge'';

(B) by striking ''491)'' and inserting ''494),''; and

(C) by inserting ''each place it appears'' before ''and inserting''.

(b) TITLE 14.—

(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 149.

(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 677.

(3) The analysis for chapter 9 of title 14, United States Code, is amended by adding a period at the end of the item relating to section 198.

(4) Section 182 of title 14, United States Code, is amended by striking the third sentence.

(c) TITLE 46.—

(1) The analysis for chapter 81 of title 46, United States Code, is amended by adding a period at the end of the item relating to section 8106.

(2) Section 70105(c)(3)(C) of such title is amended by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''.

(d) DEEPWATER PORT ACT OF 1974.—Section 5(c)(2) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)(2)) is amended by aligning the left margin of subparagraph (K) with the left margin of subparagraph (L).

(e) OIL POLLUTION ACT OF 1990.—

(1) Section 1004(a)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(2)) is amended by striking the first comma following ''$800,000''.

(2) The table of sections in section 2 of such Act is amended by inserting a period at the end of the item relating to section 7002.

(f) COAST GUARD AUTHORIZATION ACT OF 1996.—The table of sections in section 2 of the Coast Guard Authorization Act of 1996 is amended in the item relating to section 103 by striking ''reports'' and inserting ''report''.

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 enactment of this Act if,'' and inserting ''until the date of expiration of this section if,'';

(2) in subsection (b), by striking ''Subsection (a)(1)'' and inserting ''Subsection (a)'';

(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 subsection (f) and inserting after subsection (d) the following:

''(e) SAFETY INSPECTIONS.—A vessel may not engage a foreign citizen to meet a manning requirement under this section unless it has an annual safety examination by an individual authorized to enforce part B of subtitle 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 Representatives a comprehensive study on the proposed construction or alteration of any bridge, drawbridge, or causeway over navigable waters 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.

Section 11108(b)(2)(B) of title 46, United States Code, is amended to read as follows:

''(B) who performs regularly assigned duties while engaged as a master, officer, or crewman on a vessel operating on navigable waters in 2 or more States.''.

SEC. 907. LAND CONVEYANCE, COAST GUARD PROPERTY IN MARQUETTE COUNTY, MICHIGAN, TO THE CITY OF MARQUETTE, MICHIGAN.

(a) CONVEYANCE 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, Michigan (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 any improvements thereon, 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 (#204072), dated September 7, 2006, together with the land between the intermediate traverse line as shown on such survey and the ordinary high water mark, the total comprising 9 acres, more or less, and commonly identified as Coast Guard Station Marquette and Lighthouse Point.

(2) COSTS OF CONVEYANCE.—The responsibility for all reasonable and necessary costs, including real estate transaction and environmental 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 retain such easements over the property as the Commandant considers appropriate for access to aids to navigation.

(c) LIMITATIONS.—The property to be conveyed under subsection (a) may not be conveyed under that subsection until—

(1) the Coast Guard has relocated Coast Guard Station Marquette to a newly constructed station;

(2) any environmental remediation required under Federal law with respect to the property has been completed; and

(3) the Commandant of the Coast Guard determines that retention of the property by the United States is not required to carry out Coast Guard missions or functions.

(d) CONDITIONS OF TRANSFER.—All conditions 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 acreage 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 authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

SEC. 908. MISSION REQUIREMENT ANALYSIS FOR NAVIGABLE PORTIONS OF THE RIO GRANDE RIVER, TEXAS, 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 Rio Grande River. The analysis shall also identify what would be needed for the Coast Guard to increase search and rescue operations, migrant interdiction operations, and drug interdiction operations. In carrying out this section, the Secretary shall work with all appropriate entities to facilitate 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, at fair market value, all 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 Coast Guard and located at 900 S. Western Avenue in Cheboygan, Michigan.

(b) RIGHT OF FIRST REFUSAL.—The Cornerstone 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 (a).

(c) DESCRIPTION OF PROPERTY.—The exact acreage 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.

(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) COSTS OF CONVEYANCE.—The responsibility for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the transaction 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 is considered 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 the State of 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 issuing the license pursuant to section 8903 of title 46, United States Code, and the regulations issued thereunder, but only if the State plan for licensing the operators of uninspected passenger vessels—

(1) meets the equivalent standards of safety and protection of the environment as those contained in subtitle II of title 46, United States Code, and regulations issued thereunder;

(2) 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;

(3) provides for the suspension and revocation of State licenses;

(4) makes an individual, who is ineligible for a license issued under title 46, United States Code, ineligible for a State license; and

(5) provides for a report that includes—

(A) the number of applications that, for the preceding year, the State rejected due to failure to—

(i) meet chemical testing standards;

(ii) meet physical standards;

(iii) meet professional service and training requirements; and

(iv) pass criminal history background check for such operators;

(B) the number of licenses that, for the preceding year, the State issued;

(C) the number of license investigations that, for the preceding year, the State conducted;

(D) the number of licenses that, for the preceding year, the State suspended or revoked, and the cause for such suspensions or revocations; and

(E) the number of injuries, deaths, collisions, and loss or damage associated with uninspected passenger vessels operations that, for the preceding year, the State investigated.

(b) ADMINISTRATION.—

(1) The Governor of the State may delegate the execution and enforcement of the State plan, including the authority to license and the duty to report information pursuant to subsection (a), to any subordinate State officer. The Governor shall provide, to the Secretary, written notice of any delegation.

(2) The Governor (or the Governor's designee) shall provide written notice of any amendment to the State plan no less than 45 days prior to the effective date of such amendment.

(3) At the request of the Secretary, the Governor of the State (or the Governor's designee) shall grant, on a biennial basis, the Secretary access to State records and State personnel for the purpose of auditing State execution and enforcement of the State plan.

(c) APPLICATION.—

(1) The requirements of section 8903 of title 46, United States Code, and the regulations issued thereunder shall not apply to any person operating under the authority of a State license issued pursuant to an agreement under this section.

(2) The State shall not compel a person, operating under the authority of a license issued either by another State, pursuant to a valid agreement under this section, or by the Secretary, pursuant to section 8903 of title 46, United States Code, to—

(A) hold a license issued by the State, pursuant to an agreement under this section; or

(B) pay any fee, associated with licensing, because the person does not hold a license issued by the State, pursuant to an agreement under this section.

Nothing in this paragraph shall limit the authority of the State to impose requirements or fees for privileges, other than licensing, that are associated with the operation of uninspected passenger vessels on Lake Texoma.

(3) For the purpose of enforcement, if an individual is issued a license—

(A) by a State, pursuant to an agreement entered into under to this section; or

(B) by the Secretary, pursuant to section 8903 of title 46, United States Code,

then the individual shall be entitled to lawfully operate an uninspected passenger vessel on Lake Texoma in Texas and Oklahoma without further requirement to hold an additional operator's license.

(d) TERMINATION.—

(1) If—

(A) the Secretary finds that the State plan for the licensing the operators of uninspected passenger vessels—

(i) does not meet the equivalent standards of safety and protection of the environment as those contained in subtitle II of title 46, United States Code, and regulations issued thereunder;

(ii) does not include—

(I) standards for chemical testing for such operators,

(II) physical standards for such operators,

(III) professional service and training requirements for such operators, or

(IV) background and criminal investigations for such operators;

(iii) does not provide for the suspension and revocation of State licenses; or

(iv) does not make an individual, who is ineligible for a license issued under title 46, United States Code, ineligible for a State license; or

(B) the Governor (or the Governor's designee) fails to report pursuant to subsection (b),

the Secretary shall terminate the agreement authorized by this section, provided that the Secretary provides written notice to the Governor of the State 60 days in advance of termination. The findings of fact and conclusions of the Secretary, if based on a preponderance of the evidence, shall be conclusive.

(2) The Governor of the State may terminate the agreement authorized by this section, provided that the Governor provides written notice to the Secretary 60 days in advance of the termination date.

(e) EXISTING AUTHORITY.—Nothing in this section shall affect or diminish the authority or jurisdiction of any Federal or State officer to investigate, or require reporting of, marine casualties.

(f) DEFINITIONS.—For the purposes of this section, the term ''uninspected passenger vessel'' has the same meaning such term has in section 2101(42)(B) of title 46, United States Code.

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 flow of narcotics, weapons, bulk cash, and other contraband through the use of submersible and semi-submersible vessels. The strategy shall be developed in coordination with other Federal agencies engaged in detection, interdiction, or apprehension of such vessels. At a minimum, the report shall include the following:

(1) An assessment of the threats posed by submersible and semi-submersible vessels, including the number of such vessels that have been detected or interdicted.

(2) Information regarding the Federal personnel, technology and other resources available to detect and interdict such vessels.

(3) An explanation of the Coast Guard's plan, working with other Federal agencies as appropriate, to detect and interdict such vessels.

(4) An assessment of additional personnel, technology, or other resources necessary to address such vessels.

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:

"§ 8107. 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 an act of 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) PROMOTION OF COORDINATED ACTION.—To carry out the purpose of this section, the Secretary of the department in which the Coast Guard is operating shall work through the International Maritime Organization to establish agreements to promote coordinated action among flag- and port-states to deter, protect against, and rapidly respond to piracy against the vessels of, and in the waters under the jurisdiction of, those nations, and to ensure limitations on liability similar to those established by subsection (a).

''(c) DEFINITION.—For the purpose of this section, the term 'act of piracy' means any act of aggression, search, restraint, depredation, or seizure attempted against a vessel of the United States by an individual not authorized by the United States, a foreign government, or an international organization recognized by the United States to enforce law on the high seas.''.

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

''8107. Use of force against piracy.''.

(c) STANDARD RULES FOR THE USE OF FORCE FOR SELF-DEFENSE OF VESSELS OF THE UNITED STATES.—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, 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 31302, 31306, 31321, 31330, and 31343 each place it appears;

(2) by striking ''and'' after the semicolon in section 31301(5)(F);

(3) by striking ''office.'' in section 31301(6) and inserting ''office; and''; 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) SECRETARY AS MORTGAGEE.—Section 31308 of such title is amended by striking ''When the Secretary of Commerce or Transportation is a mortgagee under this chapter, the Secretary'' and inserting ''The Secretary of Commerce or Transportation, as a mortgagee under this chapter,''.

(c) SECRETARY OF TRANSPORTATION.—Section 31329(d) of such title is amended by striking ''Secretary.'' and inserting ''Secretary of Transportation.''.

(d) MORTGAGEE.—

(1) Section 31330(a)(1) of such title, as amended by subsection (a)(1) of this section, is amended—

(A) by inserting ''or'' after the semicolon in subparagraph (B);

(B) by striking ''Secretary; or'' in subparagraph (C) and inserting ''Secretary.''; and

(C) by striking subparagraph (D).

(2) Section 31330(a)(2) is amended—

(A) by inserting ''or'' after the semicolon in subparagraph (B);

(B) by striking ''faith; or'' in subparagraph (C) and inserting ''faith.''; and

(C) by striking subparagraph (D).

SEC. 914. CONVEYANCE OF COAST GUARD VESSELS 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, charitable, 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 General Services Administration 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 as authorized by law unless the eligible entity agrees—

(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 102-37.460 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 occurs after conveyance of the vessel, except for claims arising from use of the vessel by the United States Government under paragraph (3).

(c) OTHER OBLIGATIONS UNAFFECTED.—Nothing in this section amends or affects any obligation of the Coast Guard or any other person under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) or any other law regarding use or disposal of hazardous materials including asbestos and polychlorinated biphenyls.

(d) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a State or local government, nonprofit corporation, educational agency, community development organization, or other entity that agrees to comply with the conditions established under this section.

SEC. 915. ASSESSMENT OF CERTAIN AIDS TO NAVIGATION AND TRAFFIC FLOW.

(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 outlet of the Cutler Drain Canal 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 buoys, markers, and other aids to navigation in and along that portion of the Atlantic Intracoastal Waterway specified in subsection (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 existing 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 Commandant may base such determination on the Waterways Analysis and Management System study of such Federal aid to navigation, provided that such study was completed not more than one year prior to the date of enactment of this section.

(2) ANALYSES.—The Commandant of the Coast Guard shall conduct—

(A) an analysis of the feasibility of restoring the Fresnel Lens from the Light Station to operating condition, the capacity of the Coast Guard to maintain the Fresnel Lens as a Federal aid to navigation, and the impact on the Fresnel Lens as an artifact if used as a Federal aid to navigation; and

(B) a comparative analysis of the cost of restoring, reinstalling, operating, and maintaining the Fresnel Lens (including life-cycle costs) and the cost of operating and maintaining the existing Federal aid to navigation at the Light Station (including life-cycle costs).

(3) SUBMISSION.—Not later than 1 year after the date of enactment of this section, the Commandant of the Coast Guard shall submit the determination and analyses, conducted pursuant to this subsection, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) TRANSFER POSSESSION OF LENS AUTHORIZED.—

(1) TRANSFER OF POSSESSION.—Notwithstanding any other provision of law, the Commandant of the Coast Guard may 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 personal 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, remove, replace, 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—

(i) 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; and

(ii) the Township demonstrates to the satisfaction of the Commandant that the Township can restore, reinstall, and display the Fresnel Lens from the 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 replica of the 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; REVERSIONARY 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 necessary to protect and 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 on the date of the conveyance;

(2) in condition on the date of conveyance; and

(3) without cost to the United States.

(g) MAINTENANCE OF 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 the United States shall have the right to immediate possession of the Fresnel Lens or personal property; and

(B) the recipient of the Fresnel Lens or personal property shall pay the United States for costs incurred by the United States in recovering the Fresnel Lens or personal property.

(i) 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. MARITIME LAW ENFORCEMENT.

(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, conduct required for an offense or 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;

''(3) if the offense involves knowing transportation under inhumane conditions and is committed in the course of a violation of section 274 of the Immigration and Nationality Act; chapter 77 or section 111, 111A, 113, or 117 of this title; chapter 705 of title 46; or title II of the Act of June 15, 1917 (Chapter 30; 40 Stat. 220), be fined under this title or imprisoned for not more than 15 years, or both; and

''(4) in any other case, be fined under this title or imprisoned for not more than 5 years, or both.''.

(b) DEFINITION.—Section 2237(e) of title 18, United States Code is amended—

(1) by amending paragraph (3) to read as follows:

''(3) the term 'vessel subject to the jurisdiction of the United States' has the meaning given the term in section 70502 of title 46;'';

(2) in paragraph (4), by striking ''section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).'' and inserting ''section 70502 of title 46; and''; and

(3) by adding at the end the following new paragraph:

''(5) the term 'transportation under inhumane conditions' means—

''(A) transportation—

''(i) of one or more persons in an engine compartment, storage compartment, or other confined space;

''(ii) at an excessive speed; or

''(iii) of a number of persons in excess of the rated capacity of the vessel; or

''(B) intentional grounding of a vessel in which persons are being transported.''.

SEC. 918. CAPITAL INVESTMENT PLAN.

The Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure 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.

Notwithstanding any other provision of law, in 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 limitation, 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.

SEC. 920. 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 ''Budgetary Effects of PAYGO Legislation'' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendments between the Houses.

SEC. 921. CONVEYANCE OF COAST GUARD PROPERTY IN PORTLAND, MAINE.

Section 347 of the Maritime Transportation Security Act of 2002 (116 Stat. 2108; as amended by section 706 of Public Law 109–347 (120 Stat. 1946)) is amended in subsection (i), by adding at the end the following new paragraph:

''(3) PUBLIC AQUARIUM.—For purposes of this section, the term 'aquarium' or 'public aquarium' as used in this section or in the deed delivered to the Corporation or any agreement entered into pursuant to this section, means any new building constructed by the Corporation adjacent to the pier and bulkhead in compliance with the waterfront provisions of the City of Portland Code of Ordinances.''.

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) ANTIFOULING 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) ORGANOTIN.—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.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

(11) SELL OR DISTRIBUTE.—The term ''sell or distribute'' means to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, import, export, hold for import, hold for export, or receive and (having so received) deliver or offer to deliver.

(12) VESSEL.—The term ''vessel'' has the meaning given that term in section 3 of title 1, United States Code, including hydrofoil boats, air cushion watercraft, submersibles, floating craft, fixed or floating platforms, floating storage units, and floating production, storage, and offloading units.

(13) TERRITORIAL SEA.—The term ''territorial sea'' means the territorial sea as described in Presidential Proclamation No. 5928 on December 27, 1988.

(14) UNITED STATES.—The term ''United States'' means the several States of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction.

(15) USE.—The term ''use'' includes application, reapplication, installation, or any other employment of an antifouling system.

SEC. 1012. COVERED VESSELS.

(a) INCLUDED VESSEL.—Except as provided in subsection (b), after the Convention enters into force for the United States, the following vessels are subject to the requirements of this title:

(1) A vessel documented under chapter 121 of title 46, United States Code, or one operated under the authority of the United States, wherever located.

(2) Any vessel permitted by a Federal agency to operate on the Outer Continental Shelf.

(3) Any other vessel when—

(A) in the internal waters of the United States;

(B) in any port, shipyard, offshore terminal, or other place in the United States;

(C) lightering in the territorial sea; or

(D) to the extent consistent with international law, anchoring in the territorial sea of the United States.

(b) EXCLUDED VESSELS.—

(1) IN GENERAL.—The following vessels are not subject to the requirements of this title:

(A) Any warship, naval auxiliary, or other vessel owned or operated by a foreign state, and used, for the time being, only on government noncommercial service.

(B) Except as provided in paragraph (2), any warship, naval auxiliary, or other vessel owned or operated by the United States and used for the time being only on government noncommercial service.

(2) APPLICATION TO UNITED STATES GOVERNMENT VESSELS.—

(A) IN GENERAL.—The Administrator may apply any requirement of this title to one or more classes of vessels described in paragraph (1)(B), if the head of the Federal department or agency under which those vessels operate concurs in that application.

(B) LIMITATION FOR COMBAT-RELATED VESSEL.—Subparagraph (A) shall not apply to combat-related vessels.

SEC. 1013. ADMINISTRATION AND ENFORCEMENT.

(a) IN GENERAL.—Unless otherwise specified in this title, with respect to a vessel, the Secretary shall administer and enforce the Convention and this title.

(b) ADMINISTRATOR.—Except with respect to section 1031(b) and (c), the Administrator shall administer and enforce subtitle C.

(c) REGULATIONS.—The Administrator and the Secretary may each prescribe and enforce regulations as may be necessary to carry out their respective responsibilities under this title.

SEC. 1014. COMPLIANCE WITH INTERNATIONAL LAW.

Any action taken under this title shall be taken in accordance with treaties to which the United States is a party and other international obligations of the United States.

SEC. 1015. UTILIZATION OF PERSONNEL, FACILITIES OR EQUIPMENT OF OTHER FEDERAL DEPARTMENTS AND AGENCIES.

The Secretary and the Administrator may utilize by agreement, with or 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) CERTIFICATE REQUIRED.—On entry into force of the Convention for the United States, any vessel of at least 400 gross tons that engages in one or more international voyages (except fixed or floating platforms, FSUs, and FPSOs) shall carry an International Antifouling System Certificate.

(b) ISSUANCE OF CERTIFICATE.—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) VESSELS OF 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 not a party to the Convention, may demonstrate compliance with this title through other appropriate documentation considered acceptable by the Secretary.

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 an international voyage (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 appropriate endorsement.

(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 vessels to hold other documentation considered necessary to verify compliance with this title.

SEC. 1024. PROCESS FOR CONSIDERING ADDITIONAL CONTROLS.

(a) ACTIONS BY ADMINISTRATOR.—The Administrator may—

(1) participate in the technical group described in Article 7 of the Convention, and in any other body convened pursuant to the Convention for the consideration of new or additional controls on antifouling systems;

(2) evaluate any risks of adverse effects on nontarget organisms or human health presented by a given antifouling system such that the amendment of annex 1 of the Convention may be warranted;

(3) undertake an assessment of relevant environmental, technical, and economic considerations necessary to evaluate any proposals for new or additional controls of antifouling systems under the Convention, including benefits in the United States and elsewhere associated with the production and use in the United States and elsewhere, of the subject antifouling system; and

(4) develop recommendations based on that assessment.

(b) REFERRALS TO TECHNICAL GROUP.—

(1) CONVENING OF SHIPPING COORDINATING COMMITTEE.—On referral of any antifouling system to the technical group described in article 7 of the Convention for consideration of new or additional controls, the Secretary of State shall convene a public meeting of the Shipping Coordinating Committee for the purpose of receiving information and comments regarding controls on such antifouling system. The Secretary of State shall publish advance notice of such meeting in the Federal Register and on the State Department's Web site. The Administrator shall assemble and maintain a public docket containing notices pertaining to that meeting, any comments responding to those notices, the minutes of that meeting, and materials presented at that meeting.

(2) REPORT BY TECHNICAL GROUP.—The Administrator shall promptly make any report by the technical group described in the Convention available to the public through the docket established pursuant to subsection (b) and announce the availability of that report in the Federal Register. The Administrator shall provide an opportunity for public comment on the report for a period of not less than 30 days from the time the availability of the report is announced in the Federal Register.

(3) CONSIDERATION OF COMMENTS.—To the extent practicable, the Administrator shall take any comments into consideration in developing recommendations under subsection (a).

SEC. 1025. SCIENTIFIC AND TECHNICAL RESEARCH AND MONITORING; COMMUNICATION AND INFORMATION.

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 Administrator shall provide to any party to the Convention that requests it, relevant information on which the decision to regulate was based, including information provided for in annex 3 to the Convention, or other information suitable for making an appropriate evaluation of the antifouling system.

(b) LIMITATION.—This section shall not be construed to authorize the provision of information the disclosure of which is otherwise prohibited by law.

Subtitle C—Prohibitions and Enforcement Authority

SEC. 1031. PROHIBITIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, it is unlawful for any person—

(1) to act in violation of this title, or any regulation prescribed under this title;

(2) to sell or distribute in domestic or international commerce organotin or an antifouling system containing organotin;

(3) to manufacture, process, or use organotin to formulate an antifouling system;

(4) to apply an antifouling system containing organotin on any vessel to which this title applies; or

(5) after the Convention enters into force for the United States, to apply or otherwise use in a manner inconsistent with the Convention, an antifouling system on any vessel that is subject to this title.

(b) VESSEL HULLS.—Except as provided in subsection (c), no vessel shall bear on its hull or outer surface any antifouling system containing organotin, regardless of when such system was applied, unless that vessel bears an overcoating which forms a barrier to organotin leaching from the underlying antifouling system.

(c) LIMITATIONS.—

(1) EXCEPTED VESSEL.—Subsection (b) does not apply to fixed or floating platforms, FSUs, or FPSOs that were constructed prior to January 1, 2003, and that have not been in dry dock on or after that date.

(2) SALE, MANUFACTURE, ETC.—This section does not apply to—

(A) the sale, distribution, or use pursuant to any agreement between the Administrator and any person that results in an earlier prohibition or cancellation date than specified in this title; or

(B) the manufacture, processing, formulation, sale, distribution, or use of organotin or antifouling systems containing organotin used or intended for use only for sonar domes or in conductivity sensors in oceanographic instruments.

SEC. 1032. INVESTIGATIONS AND INSPECTIONS BY SECRETARY.

(a) IN GENERAL.—The Secretary may conduct investigations and inspections 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 a subpoena issued to any person, 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 and in enforcement of the Convention. Nothing in this section affects or alters requirements under any other laws.

SEC. 1033. EPA ENFORCEMENT.

(a) INSPECTIONS, SUBPOENAS.—

(1) IN GENERAL.—For purposes of enforcing this title or any regulation prescribed under this title, officers or 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 and obtaining samples of any containers or labeling for organotin or other substance or system regulated under the Convention.

(2) SUBPOENAS.—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) STOP MANUFACTURE, SALE, USE, OR REMOVAL ORDERS.—Consistent with section 1013, whenever any organotin or other substance or system regulated under the Convention is found by the Administrator and there is reason to believe that a manufacturer, seller, distributor, or user has violated or is in violation of any provision of this title, or that such 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 title, the Administrator may issue a stop manufacture, sale, use, or removal order to any person that owns, controls, or has custody of such 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. ADDITIONAL AUTHORITY OF THE ADMINISTRATOR.

The Administrator, in consultation with the Secretary, may establish, as necessary, terms and conditions regarding the removal and disposal of antifouling systems prohibited or restricted under this title.

Subtitle D—Action on Violation, Penalties, and Referrals

SEC. 1041. CRIMINAL ENFORCEMENT.

Any person who knowingly violates paragraph (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 6 years, or both.

SEC. 1042. CIVIL ENFORCEMENT.

(a) CIVIL PENALTY.—

(1) IN GENERAL.—Any person who is found by the Secretary or the Administrator, as appropriate, after notice and an opportunity for a hearing, to have—

(A) violated the Convention, this title, or any regulation prescribed under this title, is liable to the United States Government for a civil penalty of not more than $37,500 for each violation; or

(B) made a false, fictitious, or fraudulent statement or representation in any matter in which a statement or representation is required to be made to the Secretary under the Convention, this title, or any regulations prescribed under this title, is liable to the United States for a civil penalty of not more than $50,000 for each such statement or representation.

(2) RELATIONSHIP TO OTHER LAW.—This subsection shall not limit or affect the authority of the Government under section 1001 of title 18, United States Code.

(b) ASSESSMENT OF PENALTY.—The amount of the civil penalty shall be assessed by the Secretary or Administrator, as appropriate, by written notice.

(c) LIMITATION FOR RECREATIONAL VESSEL.—A civil penalty imposed under subsection (a) against the owner or operator of a recreational vessel, as that term is defined in section 2101 of title 46, United States Code, for a violation of the Convention, this title, or any regulation prescribed under this title involving that recreational vessel, may not exceed $5,000 for each violation.

(d) DETERMINATION OF PENALTY.—For purposes of penalties under this section, each day of a continuing violation constitutes a separate violation. In determining the amount of the penalty, the Secretary or Administrator shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, the economic impact of the penalty on the violator, the economic benefit to the violator and other matters as justice may require.

(e) REWARD.—An amount equal to not more than one-half of any civil penalty assessed by the Secretary or Administrator under this section may, subject to the availability of appropriations, be paid by the Secretary or Administrator, respectively, to any person who provided information that led to the assessment or imposition of the penalty.

(f) REFERRAL TO ATTORNEY GENERAL.—If any person fails to pay a civil penalty assessed under this section after it has become final, or comply with an order issued under this title, the Secretary or Administrator, as appropriate, may refer the matter to the Attorney General of the United States for collection in any appropriate district court of the United States.

(g) COMPROMISE, MODIFICATION, OR REMISSION.—Before referring any civil penalty that is subject to assessment or has been assessed under this section to the Attorney General, the Secretary, or Administrator, as appropriate, may compromise, modify, or remit, with or without conditions, the civil penalty.

(h) NONPAYMENT PENALTY.—Any person who fails to pay on a timely basis a civil penalty assessed under this section shall also be liable to the United States for interest on the penalty at an annual rate equal to 11 percent compounded quarterly, attorney fees and costs for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. That nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of that person's penalties and nonpayment penalties that are unpaid as of the beginning of that quarter.

SEC. 1043. LIABILITY IN REM.

A vessel operated in violation of the Convention, this title, or any regulation prescribed under this title, is liable in rem for any fine imposed under section 18, United States Code, or civil penalty assessed pursuant to section 1042, and may be proceeded against in the United States district court of any district in which the vessel may be found.

SEC. 1044. VESSEL CLEARANCE OR PERMITS; REFUSAL OR REVOCATION; BOND OR OTHER SURETY.

If any vessel that is subject to the Convention or this title, or its owner, operator, or person in charge, is liable for a fine or civil penalty under section 1042 or 1043, or if reasonable cause exists to believe that the vessel, its owner, operator, or person in charge may be subject to a fine or civil penalty under section 1042 or 1043, the Secretary may refuse or revoke the clearance required by section 60105 of title 46, United States Code. Clearance may be granted upon the filing of a bond or other surety satisfaction to the Secretary.

SEC. 1045. WARNINGS, DETENTIONS, DISMISSALS, EXCLUSION.

(a) IN GENERAL.—If a vessel is detected to be in violation of the Convention, this title, or any regulation prescribed under this title, the Secretary may warn, detain, dismiss, or

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 1045, if a violation of the Convention is committed by a vessel registered in or of 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 of the vessel's registry or nationality, or under whose authority the 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, to regulate any 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 appropriations for the Coast Guard for fiscal year 2011, and for other purposes.''.

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.

GENERAL LEAVE

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 continue to perform 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. We must provide the Coast Guard with the support it needs to take care of 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 important 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, the ranking member, 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 any of the teams that serve 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, I can't even begin to spend tonight enumerating 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 service, we, of course, had the 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 the 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 increases in programs and a 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 more of the taxpayer money, expanding the range and control of their 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.

Let me also say that this is a much better bill than was introduced several years ago. And it may have taken more time, but I want to say, from my side of the aisle, I am pleased with what we have accomplished.

Again, 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 placed that, fixed some of the original 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 into some of our ports, 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 those 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 consumer. 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 under this bill, and States were 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. Well, States should be able to ensure that their ports too 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 recipe for failure for the United States Coast Guard to become a systems integrator. Now, I know we have had problems. We had problems with the national security class Coast Guard cutter that we tried to produce for the first time. We had problems with changing out 110-foot Coast Guard cutters to a longer model—I believe it was a 123-foot version. Yes, we had problems with some of these projects. But the answer isn't for government to step in and create a huge operation.

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When you get into some of the acquisition questions and systems design and systems integration, even the United States Navy, which has one of the largest maritime fleets in the world, has trouble doing some of this by itself. The Navy is a much larger entity than the United States Coast Guard, which is the smaller entity, and casting legislation that would require them to do things that really they don't have the capability of doing was, I think, not a good proposal, and I think we have made it a better proposal.

The other thing we have to remember too, the Coast Guard pays a lot less than the private sector. And God bless those men and women who serve. Many of those professionals end up going into the private sector, or the private sector attracts folks to do these highly technical systems integration programs, and they have the resources to do this. Also, the other thing, too, we found with the Coast Guard is we do have a turnover in Coast Guard personnel. Many people serve their whole career there, but there is also a turnover in some of these highly professional, highly technical positions.

So given all of that, I think the provisions that were put in this legislation will allow us to not repeat some of the mistakes of past acquisitions and not get the government into creating a huge bureaucracy of acquisition or to take on something that the Federal Government should not do and cannot do, and we can do it much more cost effectively, I think, in the manner that we prescribed in this legislation.

So I am pleased with the bill. It took some tough negotiations. It took some time. I am honored to join my colleagues—Mr. OBERSTAR, Mr. LOBIONDO, Mr. CUMMINGS, some of the other members here tonight, anyone who was involved in this on both sides of the aisle—and particularly the staff who worked so hard to secure what I think is not only a sound piece of legislation but an excellent bipartisan product that the American people can be proud of.

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

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 allowing 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 reform. 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 operation. And all through this, the gentleman from New Jersey (Mr. LOBIONDO) who was a partner, he regularly participated in all of the subcommittee 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 contribution.

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 for yielding me the time, and would like to engage the chairman, if I may, in a colloquy.

Mr. Chairman, as you know, the Coast Guard Station in Marquette, Michigan, relocated to a new location within the city of Marquette. The new location allows the Coast Guard to streamline their operations, be closer to the dock, and therefore respond to emergencies more quickly.

The city sold the city property for the new facility to the Coast Guard for $1 in 2008. Since then, the city has funded the necessary infrastructure improvements, such as water mains, water lateral construction, rerouting of bike routes, and other improvements for the new Coast Guard facility, at a total cost of $170,000. On April 7, 2008, the City of Marquette turned over the property, with infrastructure improvements, to the Coast Guard.

The bill before us, the Coast Guard Authorization Act for Fiscal Year 2010 and 2011, conveys the old Coast Guard land back to the City of Marquette. However, it may result in the city paying for the conveyance of the property, despite the city's generous contribution of land and infrastructure improvements for the Coast Guard in 2008.

Mr. OBERSTAR. The gentleman has stated the case very well.

Summarizing it very simply, the City of Marquette and the Coast Guard entered into an agreement. The City of Marquette kept its part of the agreement, conveyed property to the Coast Guard for $1, and now is going to be stuck with the bill.

The problem is that the way the transfer worked out, the statutory PAYGO rules preclude inclusion of past conveyance in calculating the cost of the bill. We simply got hung up with our own legislation, our own PAYGO rules to reduce the cost of government, but now we are in the position of possibly increasing the cost of government to a local unit of government, the City of Marquette. The city's contribution to the Coast Guard cannot therefore be calculated into the cost of this bill. I look forward to the day when we will be able to work this out in a different setting.

Mr. STUPAK. I thank the chairman. I ask the Congress to recognize the generous contribution of the City of Marquette and urge the Coast Guard to perform this land transfer at no cost to the city. The city has already borne significant cost by transferring a new parcel of land to the agency and spent $170,000 for reasonable and necessary infrastructure costs.

My fellow colleague in the Michigan delegation, Senator STABENOW, and I have constantly advocated that the City of Marquette has contributed greatly to the Coast Guard, and the city should not incur additional costs.

I yield to the gentleman.

Mr. OBERSTAR. I agree that the Coast Guard should not conduct its business in this manner. It should recognize the contributions of the City of Marquette in exercising this conveyance, and we will continue to work with the gentleman throughout the balance of this Congress and, if necessary, into the next Congress. Even though the gentleman is retiring, this issue will not be forgotten. We will find a way to work it out equitably and recognize the good-faith contribution of the City of Marquette that held its part of the bargain but is not being fairly treated.

Mr. STUPAK. 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 to concur with him 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 limit 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.

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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 nostalgic moment for me. This year represents 34 years that John Cullather, the chief counsel of the Subcommittee on 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 enormously 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 to retire at the end of this session. I am personally grateful for the friendship that we have had over these 30-plus years, and more specifically during the years he served on the Committee on Transportation and Infrastructure in the 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 cargos 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, served the Coast Guard, 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, the training of 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 of 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 far 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 maybe aren't quite 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 right now but certainly was a 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.

Overall, 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 a very difficult time 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.

A 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-mission agency 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 Canine Detection Teams; expands a maritime biometrics 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 their TWIC cards 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 to complete 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 great 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.

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 Ranking Member KING 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 rise 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 daily demands, allowing it 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 to provide the Coast Guard 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 objectives. After a long period of negotiation, 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 increase its end strength by 1,500 personnel to a total of 47,000. In addition, H.R. 3619 incorporates other provisions addressing marine safety, port security, the Coast Guard's management structure, and acquisition reform.

H.R. 3619 makes administrative changes to the Coast Guard, including creating the position of District Ombudsman in each Coast Guard district 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 live in remote locations and grants access 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 retain leave and authorizes 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 cruise and 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 of the Coast Guard 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 performing acquisition 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 marine 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 marine safety program and requires minimum qualifications for marine 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 cargo shipped on single-hulled vessels and amends the Oil Pollution Act of 1990 to extend to tank vessels of 100 gross tons or more the requirement to show financial responsibility for oil spills.

In addition, H.R. 3619 enhances port and cargo security through the establishment of the America's Waterway Watch Program to promote voluntary reporting of activities that may indicate a threat or an act of terrorism. It also requires the Secretary of Homeland Security to establish, as needed, specialized deployable response teams to protect vessels, port facilities, and cargo. Furthermore, H.R. 3619 increases the Coast Guard's capacity with respect to canine teams and authorizes the Coast Guard to assist foreign port facility operators to meet international port security standards.

This port security provision also prohibits approval of port facility security plans for new facilities unless the Secretary determines that sufficient security resources are available, and requires the Secretary to coordinate with owners and operators of port facilities to allow workers who have applied for a transportation workers' security card and are awaiting issuance to be escorted into secure or restricted areas of a port facility.

H.R. 3619 also includes several miscellaneous provisions as follows:

Changes the penalties payable by operators of certain cruise ships for nonpayment of wages in class action suits;

Limits the liability for monetary damages of individuals who use or authorize the use of force to defend a vessel against piracy; and

Strengthens, under certain conditions, criminal penalties for failing to heave to, obstructing Coast Guard boardings, and providing false information to the Coast Guard particularly for those vessels that are driven at an excessively high rate of speed to avoid enforcement of our immigration laws.

H.R. 3619 also aligns U.S. law with the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001,

and prohibits the sale, distribution, or manufacture of organotin or antifouling systems containing organotin.

Mr. Speaker, H.R. 3619 gives the hard-working men and women of the Coast Guard the tools and the direction that they need to continue as the world's leading maritime agency.

I urge my colleagues to join me in supporting H.R. 3619.

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 agree to the resolution, H. Res. 1665.

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.

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, user fee and fare discounts by States, municipalities, other localities, as well as all related agencies and departments thereof, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3960

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 ''Residential and Commuter Toll Fairness Act of 2010''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Residents of, and regular commuters to, certain localities in the United States are subject to a transportation toll when using a transportation facility to access or depart the locality.

(2) Revenue generated from these tolls is sometimes used to support infrastructure maintenance and capital improvement projects that benefit not only the users of these transportation facilities, but the regional and national economy as well.

(3) Certain localities in the United States are situated on islands, peninsulas, or other areas in which transportation access is substantially constrained by geography, sometimes leaving residents of, or regular commuters to, these localities with no reasonable means of accessing or departing their neighborhood or place of employment without paying a transportation toll.

(4) Residents of, or regular commuters to, these 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.

SEC. 3. PURPOSE.

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 is 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; or

(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:

(1) CAPTIVE TOLLPAYER.—The term ''captive tollpayer'' means an individual who—

(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.

GENERAL LEAVE

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 H.R. 3960.

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 specific isolating geographic factors, 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, toll payers who have little or no choice but to pay much more in tolls than their fellow citizens even within the same region.

□ 2000

In order to address these inequities for captive tollpayers, many States, local governments and local transportation agencies have enacted toll and fare discount programs. My district of Staten Island and Brooklyn, New York, suffers from some of the highest toll burdens in the Nation. In fact, per capita, Staten Island is the highest tolled county in the United States, and the cost of these tolls is truly outrageous. Just to put this issue in context for my colleagues, let me give you some examples:

The toll on the Verrazano-Narrows Bridge, which connects the Staten Island and Brooklyn sides of my district, now costs $11, and is scheduled to increase to $12 in the next few months. It may be hard for many Americans to believe, but discussions are already underway to further increase the toll on the Verrazano-Narrows Bridge to $13 in the coming years—$13 just to cross a bridge in order to visit a relative, to go to school, to go to work or just to get off the island. It is not much better on all the other bridges surrounding Staten Island. The Bayonne, the Goethals Bridges and the Outerbridge Crossing—all to New Jersey—each cost $8. Staten Islanders are truly captive tollpayers. No matter which way they travel, they have no choice but to pay these tolls if they want to get back on the island.

To help alleviate the situation, the Metropolitan Transit Authority and the Port Authority of New York and New Jersey, which are the transportation agencies that run these bridges, have instituted a series of residential discount programs for Staten Islanders which reduce the amount that islanders pay for these bridges, sometimes reducing the cost by almost 50 percent. Many of these discounts have been in place for a decade or more; but even with these discounts, Staten Islanders pay almost $500 million in tolls every year, making it more than 7 percent of all tolls paid nationwide even though Staten Island represents less than .16 percent, or 1/600th, of the U.S. population. These statistics take into account the tolls paid with the residential discount programs in effect. Just imagine how much worse the situation would be without these residential discount programs.

But my district is not unique. Many other States and localities grant similar residential discounts to captive tollpayers on roads across the country, including the Massachusetts Turnpike, the Sumner and Ted Williams Tunnels in Boston, the Marine Parkway and Cross Bay Vets Parkway in Rockaway, Queens, New York, the Tappan Zee Bridge in the Hudson Valley of New York, the New York Thruway, the Delaware Bay Bridge, the Rhode Island Turnpike, and the Newport Pell Bridge in Rhode Island, just to name a few.

In the last few years, many of these discount programs have come under attack in the courts. Last October, in a case entitled Selevan vs. New York

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 these residential 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 remanded and reinstated the action, 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 existing ability of States, 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 statement under that provision, supporting the current ability of States, local governments and local transportation agencies to issue discounts to captive tollpayers.

However, toll discounts or government actions designed to give preferential treatment to residents of their States at the expense of other States or of the national economy will receive no benefits from this bill, and they will likely be struck down by the courts as violating the commerce clause. Therefore, I urge all of my colleagues to support this critical legislation.

I thank Chairman OBERSTAR, Chairman DEFAZIO and their terrific staffs for working with me to revise this bill to be sure we protect captive tollpayers and for helping to bring this bill to the floor today. I also thank my legislative director, Jeff Siegel, a Staten Islander who grew up paying these unfair tolls and who knows quite well the inequity that exists.

Mr. Speaker, I reserve 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 bridge tolls every time they enter or depart their communities.

Due to geography and the presence of tolls, residents and commuters in these 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 undue financial hardship on 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 residentially-based toll discount programs. It simply makes clear that Federal law allows public authorities to offer these programs to captive toll payers.

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 is on the motion offered by the gentleman from New York (Mr. MCMAHON) that the House suspend the rules and pass the bill, H.R. 3960, 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 clarify the existing authority of, and as necessary provide express authorization for, public authorities to offer discounts in transportation tolls to captive tollpayers, and for other purposes.''.

A motion to reconsider was laid on the table.

AUDIT THE BP FUND ACT OF 2010

Mr. MCMAHON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6016) to provide for a GAO investigation and audit of the operations of the fund created by BP to compensate persons affected by the Gulf oil spill, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6016

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 ''Audit the BP Fund Act of 2010''.

SEC. 2. INVESTIGATION AND AUDIT.

(a) IN GENERAL.—The Comptroller General shall conduct an ongoing independent investigation and audit of the operations of the fund and claims process created by BP to compensate persons affected by the BP Deepwater Horizon oil spill in the Gulf of Mexico beginning on April 20, 2010, as those operations take place to determine their effectiveness, including the timeliness of claim payments and the accuracy of those operations in determining amounts of damages compensated.

(b) USE OF SUBPOENA POWER.—The Comptroller General may use any investigative powers, including those of subpoena granted to the Comptroller General for the purposes of other investigations and audits, to conduct this investigation and audit.

(c) REPORT TO CONGRESS.—Every 90 days during the operations, and once after all those operations are completed, the Comptroller General shall report to Congress on the effectiveness of those operations.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) BP should fully cooperate with the Comptroller General to assure that the BP relief fund is accurately, expediently, and efficiently compensating Gulf coast victims of the BP Deepwater Horizon oil spill for their losses; and

(2) the costs incurred by the Comptroller General to carry out responsibilities under this Act should be reimbursed by BP.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCMAHON) and the gentleman from New Jersey (Mr. LOBIONDO) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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 H.R. 6016.

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

There was no objection.

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

Mr. Speaker, H.R. 6016 requires the Comptroller General of the Government Accountability Office to conduct an independent investigation and audit of the operations of the fund and claims process created by BP in response to the Deepwater Horizon oil spill disaster.

This fund and claims process, established by BP after negotiations with the Obama administration, was created to ensure that the lives and livelihoods of those adversely affected by this massive oil spill would be duly compensated for their losses. Mr. Speaker, it is clear that the Deepwater Horizon oil spill disaster caused immeasurable damage to both 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.

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 claims. 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 he may consume to the gentleman from Texas (Mr. BRADY).

□ 2010

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 bill specifically 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 about 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 the operations process occurs effectively. 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. This summer, the White House secured a legally-binding commitment from BP to establish a $20 billion fund to compensate victims of the spill. A central element of this Fund is that any fines and penalties that may be levied against BP and its partners shall remain wholly separate from the Fund itself. BP has also committed to honor any legitimate claims that would result in expenditures above and beyond the agreed-upon $20 billion.

The challenge with any victims compensation fund is determining who gets —what, and how much. The agreement brokered by the White House creates an entity known as the Independent Claims Facility (ICF) to establish and implement a process by which claims will be evaluated and distributed. The White House and BP agreed that Kenneth Feinberg would be appointed to run the ICF and oversee the claims process. Mr. Feinberg was the Special Master in charge of the September 11th Victims Compensation Fund. His performance in that very difficult undertaking was widely praised. As a result—and based on his other professional experiences—Mr. Feinberg is certainly the logical choice to run the ICF fund.

While we do not doubt Mr. Feinberg's capacity and willingness for ensuring that the BP Oil Spill Victims Compensation Fund claims process occurs in an irreproachable manner, the BP spill was very much a matter of national interest and concern. This legislation will provide an oversight mechanism to ensure that the commitments of BP, negotiated by the White House, are fulfilled by all parties, and that—most importantly—those that have suffered financial misfortune are duly compensated.

GAO has a long history of auditing programs. As such, it is well-situated to bring its experience to bear and report its findings to Congress. This legislation requires that the Comptroller General report to Congress every 90 days. This reporting requirement will keep Congress abreast of the effective workings of the Fund—but will also not overburden GAO's resources.

I urge my colleagues to join me in supporting H.R. 6016.

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

Mr. MCMAHON. Mr. Speaker, I support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TONKO). The question is on the motion offered by the gentleman from New York (Mr. MCMAHON) that the House suspend the rules and pass the bill, H.R. 6016, 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.

RECOGNIZING LIBRARY OF CONGRESS AND NATIONAL BOOK FESTIVAL

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1646) recognizing the commitment and efforts made by the Library of Congress to promote the joy of reading through the sponsorship of the National Book Festival.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1646

Whereas the National Book Festival is a great national treasure that fosters the joy of reading;

Whereas the first National Book Festival was held on September 8, 2001, and was organized and sponsored by the Library of Congress and hosted by First Lady Laura Bush;

Whereas the first National Book Festival, held on the grounds of the Library of Congress and the United States Capitol, was such a success that it has become an annual event;

Whereas the National Book Festival has grown in popularity, in recent years bringing over 130,000 book lovers to the National Mall;

Whereas the National Book Festival each year has featured more than 70 award-winning and nationally known authors, illustrators, poets and storytellers;

Whereas the National Book Festival invites readers from around the Nation to celebrate books, reading, and creativity;

Whereas the National Book Festival convenes representatives from all 50 states, the District of Columbia, and the territories and possessions to join the Festival's ''Pavilion of the States'', where they may discuss and distribute materials about their respective reading and literacy-promotion programs;

Whereas the 2010 National Book Festival will be the 10th National Book Festival, representing a milestone for the Library of Congress and the Nation; and

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 Honorary 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.

GENERAL LEAVE

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 single member of the committee, Democrat and Republican, sponsored it. That is not unusual in the sense that the goal of this bill is to celebrate one of the greatest gifts we can give to our children; that is, the gift of reading.

The first Library of Congress National Book Festival was held on September 8, 2001, so this year it celebrates its 10th anniversary with another highly attended, all-day event and remarkable panoply of authors. The National Book Festival has only grown in popularity over this last decade, and this year's estimate is that over 150,000 individuals attended the 2010 festival this past Saturday.

The festival highlights and demonstrates the importance of literacy, creativity, and imagination in our schools, our young people, and throughout our society. The festival vividly brings to life the richness of books and fosters a lifelong love of reading.

So we congratulate the Library of Congress for its achievements in hosting the festival and wish them continued success. I urge my colleagues to support this resolution.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to applaud the actions of the House of Representatives in recognizing the commitment and efforts made by the Library of Congress to promote the joy of reading through the National Book Festival. I support the Library of Congress in its efforts to promote and foster the joy of reading.

On September 25, 2010, the Library of Congress held its tenth National Book Festival on the National Mall. President Barack Obama and First Lady Michelle Obama served as the honorary chairs for this event. The National Book Festival invites readers from around the nation to celebrate books, reading, and creativity. It gives attendees from across the country the opportunity to visit with more than 70 award-winning authors who will talk' about and sign their books. Over the past ten years, the National Book Festival has grown in popularity. Last year, it brought more than 130,000 book lovers, including those from my home state of Georgia, to the National Mall.

As the resolution states, the National Book Festival is a national treasure that fosters the joy of reading. Even in this modern digital age, reading has a host of benefits. Reading develops our creativity, broadens our interests, and introduces us to new things and different parts of the world. I am proud that Georgia was represented at the National Book Festival, along with all 50 states and the District of Columbia, at the Pavilion of the States where representatives were able to discuss and distribute materials about Georgia's reading and literacy programs.

Mr. Speaker, I urge my colleagues to join me in support of this resolution.

Mr. Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I'm pleased to join with my colleague in recognizing the successful annual book festival. It did set a new attendance record, and we're delighted and we look forward to next year.

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

''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 with respect to any election for Federal office over which such official has supervisory authority.

''(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;

''(2) the use of official authority or influence for the purpose of interfering with or affecting the result of an election for Federal office;

''(3) the solicitation, acceptance, or receipt of a contribution from any person on behalf of a candidate for Federal office; and

''(4) any other act which would be prohibited under paragraph (2) or (3) of section 7323(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).

''(d) EXCEPTION FOR CAMPAIGNS OF OFFICIAL OR IMMEDIATE FAMILY MEMBERS.—

''(1) IN GENERAL.—This section does not apply to a chief State election administration official with respect to an election for Federal office in which the official or an immediate family member of the official is a candidate.

''(2) IMMEDIATE FAMILY MEMBER DEFINED.—In paragraph (1), the term 'immediate family member' means, with respect to a candidate, a father, mother, son, daughter, brother, sister, husband, wife, father-in-law, or mother-in-law.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to elections for Federal office held after December 2010.

SEC. 4. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010.

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 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 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.

GENERAL LEAVE

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 on this legislation.

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.

Mr. Speaker, H.R. 512 offers each Member of this body the opportunity to help Americans feel confident that their electoral process is fair and their interests are protected. This legislation that we're considering today would take the long overdue step of prohibiting chief election officials from playing a leadership role in the political campaigns of Federal candidates and elections over which they have supervisory authority, and that includes using their name, serving on a campaign committee, fundraising, or using their official office to interfere or affect the results of an election.

When I introduced this in the last Congress, they gave us the number H.R. 101. Well, I thought that was pretty fitting because this bill is so basic you could call it Election Officiating 101, and as any novice knows, when the outcome of a contest is determined by judges, steps are taken to ensure that the judging is impartial so that everyone involved knows that the contest is fair, that they have confidence in the results, and that they want to participate. To actively support one side and to be a judge is unthinkable in every kind of competition I can think of, except, Mr. Speaker, one, our elections, the most important contest in our country.

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.

□ 2020

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, Notre Dame, 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 preceded 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 secretaries of State from their First Amendment right to speak without any history of abuse is a dangerous precedent this House should not undertake.

I notice 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 that was drawn between this situation and 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 for Federal office, the election officer of the State is not prohibited.

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 exempt the greatest conflict of interest that there would be? That is, if the election officer 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 to be 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 which would seem to be the greatest opportunity for that concern are specifically exempted under the terms of this bill.

We can all agree that if someone is breaking the law and abusing their power to try to skew elections, they should be prosecuted accordingly. If, for instance, someone is standing outside a polling place with a billy club in his hand and is making threatening gestures to people as they come before him, have to pass by him to vote, and this person has had a record of saying that ''crackers' babies ought to be killed'' and stands on the street corner condemning racially mixed couples, but yet we have a Justice Department which says that that doesn't violate any laws.

Maybe I would be a little more concerned about the bill before us if I found any evidence whatsoever of the other side being concerned about the New Black Panther Party standing there all dressed in black with a billy club as people come forward, and one of the two individuals is known as someone who has made those kinds of threats against somebody else merely because they are of another race.

Now if we want to bring that forward, I think we could get a strong vote of support here. But we can't even get a hearing on that. We haven't heard a thing from our Judiciary Committee. It's more important to bring Steve Colbert to testify before our committee, for him to remain in character. Maybe we ought to bring one of those New Black Panthers to our committee and have him in character, as he was on the day of election. Maybe then we would be getting down to our concern for equal treatment of each and every voter in America.

But when you have a Justice Department which decides they are not going to treat people equally based on their race, as was testified to last week, last Friday at the same time on the same day as Mr. Colbert was gracing us with his presence in our Judiciary Committee, and where we had this rush, this tremendous rush of cameras to cover him, yet we have very little coverage of the amazingly cogent testimony about terrible decisions that were made in the Justice Department in the voting rights section of the Civil Rights Division. That ought to be what we take our time discussing here.

I'm not trying to denigrate the gentlelady's efforts here. I understand her sincerity in this bill. We have a dispute over whether this bill is the proper response to the situation she sees. But I find it very, very interesting that we can find time to bring comedians to Washington, D.C., to testify before committees, but we can't find the time with the committees of jurisdiction to investigate what appears to be an absolute disgrace with respect to the protection of individuals.

I would just ask this question: If instead of the New Black Panther Party you had had there, you had had the New Klux Klan party dressed in white robes with billy clubs, standing in front of a voting place with both blacks and whites coming in, whether we would not have raised our voices in protest against that and demanded that the full extent of the law be brought against those people.

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But, no, we find ourselves too busy doing other things, too busy doing other things, bringing comedians to Washington, DC and forgetting about something taking place at that exact moment, where a career attorney in the Justice Department, who has been banished to some hinterland—I don't mean to say that. That might be someone's State that someone here represents. I apologize—who has been sent a way from main Justice and the basic responsibility he has had for protecting the rights of citizens and their votes, where he has testified, and yet we couldn't spend the time to pay attention to him, nor have we scheduled any hearings whatsoever in this Congress. Something is wrong.

So I don't in any way suggest the gentlelady had anything to do with that or that this bill interferes with it. I am trying to show the contrast of what I happen to think is an immediate problem, as opposed to the potential problem that the gentlelady here has spoken about.

It is an immediate problem when you have a situation with people with billy clubs standing in front of a voting poll with a reputation for having talked about the fact that people need to kill babies for the very reason that they happen to be of another race. That ought to outrage Americans. It ought to outrage every one of us here, and it ought to outrage everybody at the Justice Department, but thus far it has not.

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 my colleague said was that this was somehow drastic legislation. And yet he went on to go out and think about how he might expand it.

Well, I appreciate the issues that he is referring to. Those are issues that, in fact, the Justice Department is looking at, a number of allegations that they are looking at.

But that is not part of this bill. And I go back and I ask my colleague, please read the bill. The bill talks about an active part that a chief State election official might take in political management or in a political campaign, which means serving as a member of an authorized committee of a candidate for Federal office, or the use of official authority, official authority to influence for the purpose of interfering with or affecting the result of an election for Federal office.

That is a very different situation than what my colleague is referring to. And he seems to be concerned about the Secretaries of State. I respect them greatly. A lot of them support this bill. Some of them don't. I am not sure I understand why they don't, because what we are doing here is talking about not them so much as the voters. It is about the voters. And the most important thing is that voters trust that elections are fair.

And my colleague would suggest that maybe there shouldn't be any rules; but I think we do have some rules, and it is important that we have them. We have them for judges as well.

So I think we need to understand what is in this bill. It is not solving all the problems that have been raised, but 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. It should be.

Why shouldn't people 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 makes 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.

N O T I C E

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

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.

CBO ESTIMATE OF PAY-AS-YOU GO EFFECTS FOR H.R. 512, THE FEDERAL ELECTION INTEGRITY ACT OF 2010, AS PROVIDED TO CBO BY THE HOUSE COMMITTEE ON THE BUDGET ON SEPTEMBER 27, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET INCREASE OR DECREASE (—) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact [a]	0	0	0	0	0	0	0	0	0	0	0	0	0

[a] 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.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU GO EFFECTS FOR H.R. 3421, THE MEDICAL DEBT RELIEF ACT OF 2010, AS TRANSMITTED TO CBO ON SEPTEMBER 27, 2010

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Statutory Pay-As-You-Go Impact [a]	0	0	0	0	0	0	0	0	0	0	0	0	0

[a] 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.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR A DRAFT RESOLUTION PROVIDING FOR THE CONCURRENCE BY THE HOUSE IN THE SENATE AMENDMENT TO H.R. 3619, THE COAST GUARD AUTHORIZATION ACT OF 2010, WITH AMENDMENTS, AS PROVIDED TO CBO BY THE HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE ON SEPTEMBER 28, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET INCREASE OR DECREASE (—) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact [a]	0	0	0	0	0	0	0	0	0	0	0	0	0

[a] 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 those 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 $500,00 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.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 4168, THE ALGAE-BASED RENEWABLE FUEL PROMOTION ACT OF 2010, AS TRANSMITTED TO CBO ON SEPTEMBER 28, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET INCREASE OR DECREASE (—) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact [a]	0	0	0	0	0	0	0	0	0	0	0	0	0

[a] 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.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 4337, THE REGULATED INVESTMENT COMPANY MODERNIZATION ACT OF 2010, AS TRANSMITTED TO CBO ON SEPTEMBER 28, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET INCREASE OR DECREASE (−) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact [a]	0	−19	−24	−26	−27	−32	−37	−41	−46	−51	275	−131	−30

[a] 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 will increase federal revenues over the 2010–2020 period.

Note: Components may not sum to totals because of rounding.

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. 5360, the Blinded Veterans Adaptive Housing Improvement Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 5360, THE HOUSING, EMPLOYMENT, AND LIVING PROGRAMS FOR VETERANS ACT OF 2010, AS PROVIDED TO CBO ON SEPTEMBER 27, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET INCREASE OR DECREASE (−) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact	0	54	−25	−36	−48	−58	−67	57	38	40	41	−113	−4

Note: H.R. 5360 contains several provisions that would both increase and decrease the costs of certain veterans' programs, including veterans' housing assistance, veterans's readjustment benefits, and employment.

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. 6026, the Access to Congressionally Mandated Reports Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 6026, THE ACCESS TO CONGRESSIONALLY MANDATED REPORTS ACT, AS PROVIDED TO CBO BY THE HOUSE COMMITTEE ON THE BUDGET ON SEPTEMBER 28, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-2015	2010-2020
NET INCREASE OR DECREASE (−) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact [a]	0	0	0	0	0	0	0	0	0	0	0	0	0

[a] 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.

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. 61326, the Veterans Benefits and Economic Welfare Improvement Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 6132, THE VETERANS BENEFITS AND ECONOMIC WELFARE ACT OF 2010, PROVIDED BY THE HOUSE COMMITTEE ON THE BUDGET ON SEPTEMBER 27, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-2015	2010-2020
NET INCREASE OR DECREASE (−) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact [a]	0	0	0	−4	−8	−11	4	4	4	4	4	−23	−3

[a] 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.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

9664. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Apricots Grown in Designated Counties in Washington; Increased Assessment Rate [Doc. No.: AMS-FV-10-0050; FV10-922-1 FR] received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9665. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Perishable Agricultural Commodities Act: Increase in License Fees [Document No.: AMS-FV-08-0098] (RIN: 0581-AC92) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9666. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Walnuts Grown in California; Changes to the Quality Regulations for Shelled Walnuts [Doc. No.: AMS-FV-09-0036; FV09-984-4 FR] received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9667. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — National Organic Program; Amendment to the National List of Allowed and Prohibited Substances (Livestock) [Document Number: AMS-NOP-10-0051; NOP-10-041R] (RIN: 0581-AD04) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9668. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Cold Treatment Regulations [Docket No.: APHIS-2006-0050] received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9669. A letter from the Budget Coordinator, Research, Education & Economics, Department of Agriculture, transmitting the Department's final rule — United States Department of Agriculture Research Misconduct Regulations for Extramural Research (RIN:0524-AA34) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9670. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Milk in the Northeast and Other Marketing Areas; Order Amending the Orders [Doc. No.: AMS-DA-09-0062; AO-14-A73, et al,; DA-03-10] received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9671. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's annual Developing Countries Combined Exercise Program report of expenditures for Fiscal Year 2009, pursuant to 10 U.S.C. 2010; to the Committee on Armed Services.

9672. A letter from the Secretary, Department of the Army, transmitting determination that the Excalibur program has exceeded the program acquisition unit cost baseline, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

9673. 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) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9674. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Transportation (DFARS Case 2003-D028) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9675. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement Lieutenant General Keith W. Dayton, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

9676. A letter from the Under Secretary, Departmetnt of Defense, transmitting interim report on the submission of a plan for actions to eliminate the need for members of the Armed Forces and their dependants to rely on the supplemental nutrition assistance program; to the Committee on Armed Services.

9677. 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.

9678. A letter from the Acting Director, Single Family Housing Guaranteed Loan Division, Department of Agriculture, transmitting the Department's final rule — Guaranteed Single Family Housing Loans (RIN: 0575-AC85) received August 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9679. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Brazil pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9680. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to New Zealand pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9681. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Turkey pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9682. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ireland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9683. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to India pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

9684. 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.

9685. 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.

9686. 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.

9687. 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.

9688. A letter from the Chairman and President, Export-Import Bank, transmitting the transaction involving U.S. exports to the Republic of Panama; to the Committee on Financial Services.

9689. A letter from the Chairman and President, Export-Import Bank, transmitting a report involving U.S. exports to Kuwait; to the Committee on Financial Services.

9690. A letter from the Secretary, Department of Health and Human Services, transmitting first annual financial reoprt as required by the Animal Generic Drug User Fee Act of 2009; to the Committee on Energy and Commerce.

9691. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Theft Prevention Standard; Final Listing of 2011 Light Duty Truck Lines Subject to the Requirements of This Standard and Exempted Vehicle Lines 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)(A); to the Committee on Energy and Commerce.

9692. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Electric-Powered Vehicles; Electrolyte Spillage and Electrical Shock Protection [Docket No.: NHTSA-2010-0021] (RIN: 2127-AK05) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9693. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Schedule of Fees Authorized by 49 U.S.C. 30141 [Docket No.: NHTSA 2010-0035; Notice 2] (RIN: 2127-AK70) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9694. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Theft Protection and Rollaway Prevention [Docket No.: NHTSA 2010-0043] (RIN: 2127-AK38) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9695. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Side Impact Protection; Fuel System Integrity; Electric-Powered Vehicles: Electrolyte Spillage and Electrical Shock Protection [Docket No.: NHTSA-2010-0032] (RIN: 2127-AK48) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9696. A letter from the Senior Regulation Analyst, Department of Transportation, transmitting the Department's final rule — List of Nonconforming Vehicles Decided To Be Eligible for Importation [Docket No.: NHTSA-2006-0134] received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9697. 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 Nonattainment 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)(A); to the Committee on Energy and Commerce.

9698. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Change of Address for Region 5 State and Local Agencies; Technical Correction [FRL-9198-2] received September 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9699. 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; Minnesota; Carbon Monoxide (CO) Limited Maintenance Plan for the Twin Cities Area [EPA-R05-OAR-2010-0556; FRL-9197-9] received September 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9700. 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; Maryland; Withdrawal of Direct Final Rule [EPA-R03-OAR-2010-0431; FRL-9197-5] received September 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9701. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the National Emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

9702. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification that effective August 1, 2010, the danger pay allowance for the Cote D'Ivoire has been eliminated, pursuant to 5 U.S.C. 5928; to the Committee on Foreign Affairs.

9703. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-28, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

9704. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 10-12 informing of an intent to sign a Memorandum of Understanding with Canada; to the Committee on Foreign Affairs.

9705. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

9706. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a copy of the intention to obligate Fiscal Year 2010 Economic Support Funds (ESF) on behalf of the Bureau of East Asian and Pacific Affairs; to the Committee on Foreign Affairs.

9707. A letter from the Assistant Secretary, Legislative Affairs, Department of State,

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. 287b(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 Exectutive 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 commerical activities for 2009; to the Committee on Oversight and Government Reform.

9711. A letter from the Program Analyst, Department of Homeland Security, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Model A119 and AW119 MKII Helicopters [Docket No.: FAA-2010-0806; Directorate Identifier 2010-SW-071-AD; Amendment 39-16397; AD 2010-15-51] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9712. A letter from the Program Analyst, Department of Homeland Security, transmitting the Department's final rule — Airworthiness Directives; PILATUS AIRCRAFT LTD. Model PC-12/47E Airplanes [Docket No.: FAA-2010-0583; Directorate Identifier 2010-CE-028-AD; Amendment 39-16401; AD 2010-17-09] (RIN: 2120-AA64) received August 24, 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-2010-0433; Directorate Identifier 2009-NM-117-AD; Amendment 39-16388; AD 2010-16-11] (RIN: 2120-AA64) 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. PW617F-E Turbofan Engines [Docket No.: FAA-2010-0246; Directorate Identifier 2010-NE-16-AD; Amendment 39-16391; AD 2010-17-01] (RIN: 2120-AA64) 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&WC) PW615F-A Turbofan Engines [Docket No.: FAA-2010-0245; Directorate Identifier 2010-NE-15-AD; Amendment 39-16398; AD 2010-17-06] (RIN: 2120-AA64) 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 650-15 and Tay 651-54 Turbofan Engines [Docket No.: FAA-2007-0037; Directorate Identifier 2007-NE-41-AD; Amendment 39-16404; AD 2010-17-12] (RIN: 2120-AA64) 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; Dowty Propellers R408/6-123F/17 Model Propellers [Docket No.: FAA-2009-0776; Directorate Identifier 2009-NE-32-AD; Amendment 39-16403; AD 2010-17-11] (RIN: 2120-AA64) 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 (RR) RB211-22B and RB211-524 Series Turbofan Engines [Docket No.: FAA-2009-1157; Directorate Identifier 2009-NE-26-AD; Amendment 39-16402; AD 2010-17-10] (RIN: 2120-AA64) 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; Dassault-Aviation Model FALCON 7X Airplanes [Docket No.: FAA-2010-0800; Directorate Identifier 2010-NM-162-AD; Amendment 39-16416; AD 2010-18-03] (RIN: 2120-AA64) received September 1, 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-2007-28633; Airspace Docket No. 07-ASW-7] 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.: 30738; Amdt. No. 3386] 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 — Amendment of Colored Federal Airway B-38; Alaska [Docket No.: FAA-2010-0365; Airspace Docket No. 10-AAL-12] (RIN: 2120-AA66) 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 — Airworthiness Directives; Aircraft Industries a.s. (Type Certificate G24EU Previously Held by LETECKE ZAVODY a.s. and LET Aeronautical Works) Model L-13 Blanik Gliders [Docket No.: FAA-2010-0839; Directorate Identifier 2010-CE-042-AD; Amendment 39-16418; AD 2010-18-05] (RIN: 2120-AA64) received September 1, 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 — Re-Registration and Renewal of Aircraft Registration; OMB Approval of Information Collection [Docket No.: FAA-2008-0118; Amdt. Nos. 13-34, 47-29, 91-318] (RIN: 2120-AI89) received September 1, 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 — Amendment of the Pacific High and Low Offshore Airspace Areas; California [Docket No.: FAA-2010-0187; Airspace Docket No. 09-AWP-10] (RIN: 2120-AA66) September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9727. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-201, -202, -203, -223, -243, -301, -302, -303, -321, -322, -323, -341, -342, and -343 Airplanes, Model A340-211, -212, -213, -311, -312, and -313 Airplanes, and Model A340-541 and -642 Airplanes [Docket No.: FAA-2010-0041; Directorate Identifier 2009-NM-218-AD; Amendment 39-16392; AD 2010-17-02] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9728. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 767-300 Series Airplanes [Docket No.: FAA-2010-0762; Directorate Identifier 2010-NM-011-AD; Amendment 39-16393; AD 2010-17-03] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9729. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-524C2 Series Turbofan Engines [Docket No.: FAA-2010-0521; Directorate Identifier 2009-NE-21-AD; Amendment 39-16405; AD 2010-17-13] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9730. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A380-800 Series Airplanes [Docket No.: FAA-2010-0763; Directorate Identifier 2009-NM-253-AD; Amendment 39-16394; AD 2010-17-04] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9731. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No.: FAA-2008-0269; Directorate Identifier 2007-NM-320-AD; Amendment 39-16395; AD 2010-17-05] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9732. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Maneuvering Speed Limitation Statement [Docket No.: FAA-2009-0810; Amendment No. 25-130] (RIN: 2120-AJ21) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9733. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs [Docket: OST-2010-0026] (RIN: 2105-AD95) received August 24, 2010, pursuant to 5 U.S.C.

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; Airbus Model A330-223, -321, -322, and -323 Airplanes [Docket No.: FAA-2010-0278; Directorate Identifier 2009-NM-255-AD; Amendment 39-16399; AD 2010-17-07] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9735. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Aircraft Equipped with Rotax Aircraft Engines 912 A Series Engines [Docket No.: FAA-2010-0329; Directorate Identifier 2010-CE-016-AD; Amendment 39-16400; AD 2010-17-08] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9736. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (Eurocopter) Model AS350B, BA, B1, B2, C, D, and D1 Helicopters and Model AS355E, F, F1, F2, and N Helicopters [Docket No.: FAA-2010-0782; Directorate Identifier 2010-SW-053-AD; Amendment 39-16396; AD 2010-11-51] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9737. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment and Establishment of Restricted Areas and Other Special Use Airspace, Avon Park Air Force Range, FL [Docket No.: FAA-2008-1261; Airspace Docket No. 06-ASO-18] 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; Ontic Engineering and Manufacturing, Inc. Propeller Governors, Part Numbers C210776, T210761, D210760, and J21076 [Docket No.: FAA-2010-0102; Directorate Identifier 2010-NE-09-AD; Amendment 39-16341; AD 2010-13-10] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9739. 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 39-16387; AD 2010-16-10] (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; Rolls-Royce plc (RR) RB211-Trent 900 Series Turbofan Engines [Docket No.: FAA-2010-0748; Directorate Identifier 2010-NE-13-AD; Amendment 39-16384; AD 2010-16-07] (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, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F airplanes (Collectively Called A300-600 series airplanes); and A310 Series Airplanes [Docket No.: FAA-2010-0281; Directorate Identifier 2009-NM-184-AD; Amendment 39-16390; AD 2010-16-13] (RIN: 2120-AA64) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9742. A letter from the Assistant Chief Counsel for Pipeline Safety, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: Periodic Updates of Regulatory References to Technical Standards and Miscellaneous Edits [Docket No.: PHMSA-2008-0301; Amdt. Nos. 192-114; 193-22; 195-94) (RIN: 2137-AE41) 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 Dredged Material 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: Study of Discharges Incidental 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 — Disenrollment procedures (RIN: 2900-AN76) received September 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9746. A letter from the Commissioner, Social Security Administration, transmitting the Administration's Fourteenth 2010 Annual Report of the Supplemental Security Income Program, pursuant to Public Law 104-193, section 231 (110 Stat. 2197); to the Committee on Ways and Means.

9747. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Customs Broker License Examination Individual Eligibility Requirements [RIN: 1651-AA74) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9748. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Corrections To Customs and Border Protection Regulations [CBP Dec. 10-29] received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9749. A letter from the Chief, Trade and Commericial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Entry Requirements For Certain Softwood Lumber Products Exported From Any Country Into the United States (RIN: 1505-AB98) received August 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9750. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Announcement of the Results of 2009-10 Allocation Round of the Qualifying Advanced Coal Project Program and the Qualifying Gasification Project Program [CASE-MIS Number: ANN-132462-10] (Announcement 2010-56) received September 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9751. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Notice and Request for Comments Regarding Implementation of Information Reporting and Withholding Under Chapter 4 of the Code [Notice 2010-60] received September 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9752. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's tenth report describing the progress made in licensing and constructing the Alaska natural gas pipeline and describing any issue impeding that progress; jointly to the Committees on Energy and Commerce and Transportation and Infrastructure.

9753. A letter from the Program Manager, Department of Health and Human Services, 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-AO90) 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 VetSuccess Internet website and to publicize such Internet website (Rept. 111–624). 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. 5360. A bill 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; with an amendment (Rept. 111–626). 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. FILNER: Committee on Veterans' Affairs. H.R. 5993. A bill 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 payment, and for other purposes; with an amendment (Rept. 111–628). 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 in collection and 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. FILNER: Committee on Veterans' affairs. H.R. 6132. A bill 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; with an amendment (Rept. 111–630). 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 and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to 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 of Energy and Commerce. H.R. 1347. A bill to amend title III of the Public Health Service Act to provide for the establishment and implementation of concussion management guidelines with respect to school-aged children, and for other purposes; with amendments (Rept. 111–632). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee of Energy and Commerce. H.R. 5354. A bill to establish an Advisory Committee on Gestational Diabetes, to provide grants to better understand and reduce gestational diabetes, and for other purposes; with amendments (Rept. 111–633). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 2999. A bill to amend the Public Health Service Act to enhance and increase the number of veterinarians trained in veterinary public health; with an amendment (Rept. 111–634). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 2941. A bill to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers; with an amendment (Rept. 111–635). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1362. A bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple schlerosis, Parkinson's disease, and other neurological diseases and disorders; 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. 1230. A bill to amend the Public Health Service Act to provide for the establishment of a National Acquired Bone Marrow Failure Disease Registry, to authorize research on acquired bone marrow failure diseases, and for other purposes; with amendments (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. 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 the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women; with amendments (Rept. 111–639). Referred to the Committee of the Whole House on the State of the Union.

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. 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. 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. GORDON of Tennessee: Committee on Science and Technology. H.R. 6160. 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 of the State of the Union.

Mr. LEVIN: Committee on Ways and Means. H.R. 2378. A bill to amend title VII of the Tariff Act of 1930 to clarify that fundamental exchange-rate misalignment by any foreign nation is actionable under United States countervailing and antidumping duty laws, and for other purposes; with an amendment (Rept. 111–646). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 903. A bill to amend the Public Health Service Act to enhance the roles of dentists and allied dental personnel in the Nation's disaster response framework, and for other purposes; with an amendment (Rept. 111–647). 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. CARDOZA (for himself, Mr. LARSON of Connecticut, Ms. DELAURO, Mr. GEORGE MILLER of California, Ms. ESHOO, Mr. KAGEN, Mr. GARAMENDI, Mr. WELCH, Ms. CASTOR of Florida, Ms. BERKLEY, Mr. BACA, Mr. HASTINGS of Florida, Mr. COSTA, Ms. WASSERMAN SCHULTZ, Mr. MCNERNEY, Ms. GIFFORDS, and Mr. SIRES):

H.R. 6218. A bill to prevent foreclosure of home mortgages and provide for the affordable refinancing of mortgages held by Fannie Mae and Freddie Mac; to the Committee on Financial Services.

By Mr. FRANK of Massachusetts:

H.R. 6219. A bill to amend the Small Business Jobs Act of 2010 to enhance the provisions of the Small Business Lending Fund Program, to amend the Small Business Investment Act of 1958 to create a Small Business Early-Stage Investment Program, and to create the Small Business Borrower Assistance Program; to the Committee on Financial Services.

By Ms. PINGREE of Maine:

H.R. 6220. A bill to amend title 38, United States Code, to ensure that the Secretary of Veterans Affairs provides veterans with information concerning service-connected disabilities 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 nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes; to the Committee on Natural Resources.

By Mr. MCGOVERN:

H.R. 6222. A bill to establish the National Competition for Community Renewal to encourage communities to adopt innovative strategies and design principles to programs related to poverty prevention, recovery and response, and for other purposes; 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 provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 6223. A bill to establish a Congressional Office of Regulatory Analysis, to require the periodic review and automatic termination of Federal regulations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, 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 Mrs. CAPPS (for herself and Mr. PALLONE):

H.R. 6224. A bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. PAULSEN:

H.R. 6225. A bill to amend the Emergency Economic Stabilization Act of 2008 to terminate authority under the Troubled Asset Relief Program; to the Committee on Financial Services.

By Mr. FOSTER:

H.R. 6226. A bill to amend the Small Business Act to permit agencies to count certain contracts toward contracting goals; to the Committee on Small Business.

By Mr. BILIRAKIS (for himself and Mr. MILLER of Florida):

H.R. 6227. A bill to establish a temporary prohibition 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 Clean Air Act relating to the expansion of the renewable fuel program, and for other purposes; to the Committee on Energy and Commerce.

By Ms. CHU (for herself, Mr. LOEBSACK, and Ms. SHEA-PORTER):

H.R. 6229. A bill to strengthen student achievement and graduation rates and prepare young people for college, careers, and citizenship through innovative partnerships that meet the comprehensive needs of children and youth; 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 a reserve component 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, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds; to the Committee on Armed Services.

By Ms. GIFFORDS (for herself and Mr. MANZULLO):

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 Illinois, 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 Native American entrepreneurial development program in the Small Business Administration; to the Committee on Small Business.

By Ms. HERSETH SANDLIN (for herself and Mr. HINCHEY):

H.R. 6234. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified 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. MCMAHON (for himself, Mr. HOYER, Mr. CUMMINGS, Mr. HALL of New York, Mr. PATRICK J. MURPHY of Pennsylvania, Mrs. MALONEY, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, 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 injured or killed in the line of duty; to the Committee on the Judiciary.

By Mr. SCHIFF:

H.R. 6236. A bill to require Federal agencies, and persons engaged in interstate commerce, 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 the Judiciary, 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. THOMPSON of California (for himself, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mr. BILBRAY, Mrs. BONO MACK, Mr. CALVERT, Mr. CAMPBELL, Mrs. CAPPS, Mr. CARDOZA, Ms. CHU, Mr. COSTA, Mrs. DAVIS of California, Mr. DREIER, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. GALLEGLY, Mr. GARAMENDI, Ms. HARMAN, Mr. HERGER, Mr. HONDA, Mr. HUNTER, Mr. ISSA, Ms. LEE of California, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Mr. MCKEON, Ms. MATSUI, Mr. MCCARTHY of California, Mr. MCCLINTOCK, Mr. MCNERNEY, Mr. GARY G. MILLER of California, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. RADANOVICH, Ms. RICHARDSON, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Mr. ROYCE, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SPEIER, Mr. STARK, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. NUNES, and Ms. PELOSI):

H.R. 6237. A bill to designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the ''Tom Kongsgaard 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 certain veterans who were stationed at Fort McClellan, Alabama, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, 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. 320. Concurrent resolution recognizing the 45th anniversary of the White House Fellows program; to the Committee on Oversight and Government Reform.

By Mr. BILBRAY (for himself, Mr. OLSON, Mrs. MCMORRIS RODGERS, and Mr. BAIRD):

H. Res. 1660. 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. BOEHNER, Ms. ROS-LEHTINEN, Mr. LARSEN of Washington, Mr. JORDAN 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, Mrs. MYRICK, Mr. DUNCAN, Mr. PLATTS, Mr. BILIRAKIS, Mr. LAMBORN, Mr. DICKS, Mr. INGLIS, Mr. SHUSTER, Mr. BARTLETT, Mr. TIM MURPHY of Pennsylvania, Mr. GERLACH, Mr. ROSKAM, Mr. DENT, Mr. GARAMENDI, Mr. MANZULLO, Mr. MCCAUL, Mr. ROYCE, Mr. MACK, Mr. POE of Texas, Mr. BOOZMAN, and Mr. BURTON of Indiana):

H. Res. 1661. 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. BILIRAKIS, Mr. PAYNE, Ms. JACKSON LEE of Texas, Mr. FALEOMAVAEGA, Mr. BERMAN, Ms. ROS-LEHTINEN, and Mr. SMITH of New Jersey):

H. Res. 1662. 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. STUPAK, Mr. BURTON of Indiana, and Mr. GRIJALVA):

H. Res. 1664. A resolution supporting the goals and ideals of Spina Bifida Awareness Month, recognizing the importance 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. LOEBSACK, 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. LATOURETTE, 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:

H. Res. 1668. A resolution recognizing the 100th anniversary of the formation of the California Almond Growers Exchange, a cooperative to market almonds produced by members of the cooperative; to the Committee on Agriculture.

By Mr. DUNCAN:

H. Res. 1669. A resolution congratulating the National Air Transportation Association for celebrating its 70th anniversary; to the Committee on Transportation and Infrastructure.

By Ms. GIFFORDS (for herself, Mr. TONKO, Mr. CHILDERS, Mr. DEFAZIO, Ms. RICHARDSON, Ms. WATSON, Mr. CROWLEY, Mr. COURTNEY, Mr. HARE, Ms. SHEA-PORTER, Mr. FILNER, Mr. HINCHEY, Mr. CONYERS, Mr. RAHALL, Ms. FUDGE, Mr. FARR, Mr. RANGEL, Mr. CRITZ, Mr. DEUTCH, Mr. BOREN, Mr. CARSON of Indiana, Mr. KILDEE, Mr. HEINRICH, Mr. MAFFEI, Mrs. HALVORSON, Ms. PINGREE of Maine, Mr. ARCURI, Ms. KILROY, Mr. WILSON of Ohio, Mr. COSTELLO, Mr. KISSELL, Mr. SCHAUER, Ms. DELAURO, Mr. LANGEVIN, Mr. BOUCHER, Mr. NADLER of New York, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. PETERS, Mr.

OLVER, Mr. FOSTER, Mr. FRANK of Massachusetts, Mr. LEWIS of Georgia, Mr. OBERSTAR, Mr. WU, Mr. STARK, Ms. KAPTUR, Mr. ROTHMAN of New Jersey, Mr. RYAN of Ohio, Ms. LORETTA SANCHEZ of California, Mr. MITCHELL, Ms. CORRINE BROWN of Florida, Mr. BRADY of Pennsylvania, Mr. HALL of New York, Mr. HODES, Ms. LEE of California, Ms. SUTTON, and Mr. CUMMINGS):

H. Res. 1670. A resolution expressing the sense of the House of Representatives with respect to legislation relating to raising 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, Mr. INSLEE, Mr. BAIRD, 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. BARTLETT, Mr. BILIRAKIS, Ms. BORDALLO, Mr. CONNOLLY of Virginia, Mr. CRITZ, Mr. DELAHUNT, Mr. FILNER, Ms. GIFFORDS, Mr. GENE GREEN of Texas, Mr. INGLIS, Mr. JOHNSON of Georgia, Mr. KINGSTON, Mr. KISSELL, Mr. KRATOVIL, Mr. LIPINSKI, Mr. MEEKS of New York, Mr. MITCHELL, Mr. MURPHY of New York, Mr. NYE, Ms. PINGREE of Maine, Mr. POE of Texas, Mr. ROGERS of Alabama, Mr. ROSS, Mr. RYAN of Ohio, Mr. SABLAN, Mr. SCOTT of Georgia, Ms. SHEA-PORTER, Mr. SIRES, Mr. SPRATT, Ms. SUTTON, Mr. TANNER, Mr. TAYLOR, Mr. TEAGUE, Mr. THORNBERRY, Mr. WILSON of South Carolina, and Mr. WITTMAN):

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 memorials 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 of District Of Columbia, 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 of District Of Columbia, relative to Resolution 18-537 to approve the proposed transfer of jurisdiction over a portion of U.S. Reservation 495 from the National Park Service to the District of Columbia; to the Committee on Natural Resources.

389. Also, a memorial of the Senate of the State of California, relative to Senate Joint Resolution No. 34 urging the Congress to protect and preserve the ability of California wineries, as well as all American wineries, to ship wine directly to consumers without discrimination between in-state and out-of-state wine producers; to the Committee on the Judiciary.

390. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 54 urging the Port Authority of New York and New Jersey to formulate an engineering solution to the impasse at Bayonne Bridge; to the Committee on Transportation and Infrastructure.

391. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 12 requesting the Congress and the President of the United States to enact legislation to close corporate federal tax loopholes; to the Committee on Ways and Means.

392. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 29 requesting that for tax years beginning before January 1, 2011 that the Revenue Ruling referred to allowing same-sex married couples may, but are not required to, amend their returns to report income in accordance with the Revenue Ruling; to the Committee on Ways and Means.

393. Also, a memorial of the Council of the of District Of Columbia, relative to Resolution 18-538 to approve the transfer of jurisdiction over 2 portions of U.S. Reservations 334 and 334-I from the National Park Service to the District of Columbia; jointly to the Committees on Natural Resources and Oversight and Government Reform.

394. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 42 requesting the Congress and the President of the United States enact the federal Medicare Secondary Payer Enhancement Act of 2010; jointly to the Committees on Ways and Means and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 147: Mr. PASCRELL.
H.R. 197: Mr. DINGELL.
H.R. 305: Mr. PLATTS and Ms. GIFFORDS.
H.R. 333: Mr. ACKERMAN.
H.R. 393: Mr. ROE of Tennessee.
H.R. 503: Mr. FILNER.
H.R. 523: Mr. SMITH of Nebraska.
H.R. 571: Mr. SESTAK.
H.R. 615: Mr. SCHIFF.
H.R. 678: Mr. KING of New York and Mr. MCNERNEY.
H.R. 704: Mr. ISRAEL.
H.R. 707: Mr. CALVERT.
H.R. 758: Mr. REICHERT.
H.R. 868: Ms. BALDWIN and Mr. WU.
H.R. 903: Mr. LEE of New York.
H.R. 932: Mr. PRICE of North Carolina.
H.R. 1024: Mr. MOORE of Kansas.
H.R. 1034: Mr. CARNAHAN.
H.R. 1079: Ms. BALDWIN and Mr. BONNER.
H.R. 1179: Mr. PASCRELL.
H.R. 1339: Mr. MILLER of North Carolina and Ms. MATSUI.
H.R. 1347: Ms. ESHOO and Mr. BACA.
H.R. 1414: Mrs. BACHMANN.
H.R. 1443: Mr. SCHRADER.
H.R. 1551: Mr. MICHAUD.
H.R. 1616: Mr. LÚJAN, Mr. ANDREWS, Mr. DAVIS of Illinois, Mr. GARAMENDI, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 1625: Ms. NORTON, Ms. SUTTON, and Mr. DOYLE.
H.R. 1670: Mrs. LOWEY.
H.R. 1718: Mr. CALVERT.
H.R. 1751: Ms. SPEIER and Mr. PERLMUTTER.
H.R. 1792: Mr. MOORE of Kansas.
H.R. 1806: Ms. FUDGE and Mr. HONDA.
H.R. 1831: Mr. MANZULLO.
H.R. 1927: Mr. GARAMENDI.
H.R. 1966: Mr. BACA.
H.R. 2030: Mr. PETRI and Mr. LIPINSKI.
H.R. 2049: Mr. CRITZ.
H.R. 2104: Mr. HONDA and Mr. GARAMENDI.
H.R. 2159: Mr. DOYLE.
H.R. 2378: Mr. AL GREEN of Texas, Mr. HALL of New York, Mr. CLEAVER, and Ms. MATSUI.
H.R. 2381: Mr. CRITZ and Mr. DEUTCH.
H.R. 2414: Mr. CONYERS.
H.R. 2443: Mr. COSTA.
H.R. 2578: Ms. SUTTON and Ms. WASSERMAN SCHULTZ.
H.R. 2624: Mr. PRICE of North Carolina.
H.R. 2625: Ms. EDWARDS of Maryland, Mr. BERMAN, Mr. PALLONE, Ms. MATSUI, Mr. Lújan, Ms. RICHARDSON, Ms. SCHWARTZ, Mr. MARKEY of Massachusetts, Ms. CLARKE, and Mr. CUMMINGS.
H.R. 2672: Mr. JOHNSON of Georgia.
H.R. 2673: Mr. SABLAN.
H.R. 2692: Ms. PINGREE of Maine.
H.R. 2698: Mr. SABLAN and Mr. VISCLOSKY.
H.R. 2699: Mr. SABLAN.
H.R. 2746: Mr. MELANCON.
H.R. 2766: Mr. DELAHUNT and Mr. THOMPSON of California.
H.R. 2906: Ms. SUTTON, Mr. DEUTCH, and Mr. BACA.
H.R. 3012: Mr. MCMAHON.
H.R. 3118: Mr. SHERMAN.
H.R. 3149: Mr. DOYLE.
H.R. 3212: Mr. PRICE of North Carolina.
H.R. 3567: Mr. GARAMENDI, Mr. GRAYSON, Ms. RICHARDSON, and Mr. DAVIS of Illinois.
H.R. 3586: Mr. BOSWELL and Mr. AKIN.
H.R. 3652: Mr. CLAY, Mr. ROSKAM, Mr. RYAN of Wisconsin, and Mr. HARPER.
H.R. 3666: Mr. TONKO, Mr. CARNEY, Mr. TIM MURPHY of Pennsylvania, Ms. DELAURO, Mr. MOORE of Kansas, and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 3724: Mr. DJOU and Mr. AKIN.
H.R. 3753: Mr. GUTIERREZ.
H.R. 3781: Mr. LAMBORN.
H.R. 4063: Mr. BUTTERFIELD.
H.R. 4121: Mr. KLINE of Minnesota, Mr. COURTNEY, Mr. EDWARDS of Texas, Mrs. LOWEY, Mr. BRADY of Pennsylvania, Mr. CONYERS, Mr. SCHIFF, Mr. BOCCIERI, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. WILSON of Ohio.
H.R. 4210: Mr. WELCH.
H.R. 4436: Mr. SHIMKUS, Mr. MCKEON, and Mr. KIRK.
H.R. 4594: Mr. CASTLE, Mr. COURTNEY, Mr. BOSWELL, Mr. CARDOZA, and Mr. ISRAEL.
H.R. 4645: Mr. DAVIS of Illinois, Mr. PAYNE, Mr. MICHAUD, and Mr. CARNAHAN.
H.R. 4676: Mr. TONKO.
H.R. 4677: Ms. NORTON and Mr. JACKSON of Illinois.
H.R. 4690: Mr. PRICE of North Carolina, Mr. MAFFEI, and Ms. SCHAKOWSKY.
H.R. 4787: Mr. TEAGUE and Mr. TURNER.
H.R. 4796: Mr. KIND.
H.R. 4808: Mr. SHERMAN and Mr. CUMMINGS.
H.R. 4830: Ms. SLAUGHTER.
H.R. 4844: Mr. MCNERNEY and Mr. NADLER of New York.
H.R. 4959: Ms. CHU, Mr. CLAY, Mr. VAN HOLLEN, and Mr. FARR.
H.R. 5010: Mr. HOLT.
H.R. 5028: Mr. CLAY and Mr. FILNER.
H.R. 5034: Ms. FALLIN and Mr. SMITH of New Jersey.

H.R. 5081: Mr. ELLISON.
H.R. 5106: Mr. ROSS.
H.R. 5141: Mr. PETERSON.
H.R. 5209: Mrs. CAPPS.
H.R. 5211: Mr. PRICE of North Carolina and Mr. SHERMAN.
H.R. 5321: Mr. MORAN of Virginia.
H.R. 5360: Ms. SLAUGHTER.
H.R. 5400: Mr. EDWARDS of Texas, Mr. CLAY, Mr. SCHIFF, Mr. CONYERS, Mr. BRADY of Pennsylvania, Mr. BOCCIERI, Mr. WILSON of Ohio, Mr. BRALEY of Iowa, Mr. MICHAUD, Mr. PLATTS, Ms. TITUS, and Mr. PASTOR of Arizona.
H.R. 5434: Mr. MAFFEI, Mr. ADERHOLT, Mr. SHERMAN, and Ms. BALDWIN.
H.R. 5441: Ms. MCCOLLUM.
H.R. 5462: Mr. BILBRAY and Mr. LIPINSKI.
H.R. 5475: Mr. FILNER.
H.R. 5504: Mr. INSLEE, Ms. KILPATRICK of Michigan, and Mr. FALEOMAVAEGA.
H.R. 5549: Mr. SERRANO, Mr. HINCHEY, Mr. SMITH of Washington, Mr. COURTNEY, Mr. EDWARDS of Texas, Mrs. LOWEY, Mr. TIM MURPHY of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. CONYERS, Mr. SCHIFF, Mr. BLUMENAUER, Mr. BOCCIERI, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. WILSON of Ohio, Mr. BRALEY of Iowa, Mr. LIPINSKI, Mr. MICHAUD, Mr. HARE, Ms. MATSUI, Mr. JACKSON of Illinois, Mr. PLATTS, Mr. PASTOR of Arizona, Mr. DOYLE, and Mr. MURPHY of New York.
H.R. 5575: Ms. WASSERMAN SCHULTZ.
H.R. 5588: Mrs. NAPOLITANO and Ms. GIFFORDS.
H.R. 5645: Mrs. BONO MACK.
H.R. 5652: Mr. DEFAZIO and Ms. WASSERMAN SCHULTZ.
H.R. 5718: Mr. GUTIERREZ.
H.R. 5723: Mr. SERRANO.
H.R. 5740: Mr. CUMMINGS.
H.R. 5746: Mr. MOORE of Kansas, Mr. POLIS of Colorado, Mr. CARNEY, Mr. HIGGINS, Mr. LANGEVIN, Mrs. DAHLKEMPER, Ms. DEGETTE, Mr. HOLT, Mr. MAFFEI, Mr. TIERNEY, Mr. GARAMENDI, and Mr. FOSTER.
H.R. 5766: Mr. COSTA, Ms. MARKEY of Colorado, Ms. ROS-LEHTINEN, Mr. INSLEE, Mrs. NAPOLITANO, and Mr. BACA.
H.R. 5791: Mr. LANGEVIN.
H.R. 5792: Ms. BALDWIN.
H.R. 5806: Mrs. CAPPS and Mr. CONNOLLY of Virginia.
H.R. 5842: Mr. COBLE.
H.R. 5843: Mrs. KIRKPATRICK of Arizona and Mr. COSTELLO.
H.R. 5853: Mr. SHADEGG, Mr. MARCHANT, Mr. BONNER, Mr. OLSON, and Mr. CONAWAY.
H.R. 5894: Mr. TOWNS.
H.R. 5907: Mr. STARK.
H.R. 5928: Mr. COURTNEY, Mr. EDWARDS of Texas, Mr. SCHIFF, Mr. CONYERS, Mr. BRADY of Pennsylvania, Mr. BLUMENAUER, Mr. BOCCIERI, Mr. WILSON of Ohio, Mr. BRALEY of Iowa, Mr. MICHAUD, Mr. HARE, Ms. MATSUI, Mr. PLATTS, Mr. PASTOR of Arizona, and Mr. DOYLE.
H.R. 5931: Mr. HONDA.
H.R. 5939: Mr. PETRI, Mr. DRIEHAUS, Mr. WALDEN, Mr. ROONEY, Mr. ROYCE, and Mr. BILBRAY.
H.R. 5957: Mr. COBLE.
H.R. 5967: Ms. SLAUGHTER, Mr. DOGGETT, Ms. RICHARDSON, and Mr. WU.
H.R. 5976: Mr. MCDERMOTT and Mr. ELLISON.
H.R. 5983: Ms. RICHARDSON, Mr. LYNCH, Mr. HINCHEY, Mrs. MALONEY, Mr. YOUNG of Alaska, Mr. LARSEN of Washington, Mr. CASTLE, Mrs. MCMORRIS RODGERS, Mr. FRANK of Massachusetts, Mr. PETERSON, Mr. BISHOP of Georgia, Mr. MCGOVERN, Mr. DELAHUNT, Mr. JOHNSON of Georgia, Mr. TIERNEY, Ms. NORTON, Mr. CLAY, Mr. CLEAVER, and Mr. LINDER.
H.R. 5987: Mr. BOUCHER, Mr. EDWARDS of Texas, Mr. CONYERS, Mr. HEINRICH, Ms. SLAUGHTER, Mr. BACA, Mr. SPACE, Ms. HERSETH SANDLIN, and Mr. CLEAVER.
H.R. 5993: Ms. SLAUGHTER, Mr. MICHAUD, and Mr. CUMMINGS.
H.R. 6003: Mr. VAN HOLLEN.
H.R. 6057: Mr. MURPHY of New York and Mr. TONKO.
H.R. 6067: Mr. HONDA.
H.R. 6072: Mr. MCGOVERN, Ms. TITUS, and Mr. HINCHEY.
H.R. 6081: Mr. ELLISON.
H.R. 6095: Mr. CONYERS.
H.R. 6099: Mr. HONDA.
H.R. 6117: Mr. STARK.
H.R. 6118: Mr. CONNOLLY of Virginia.
H.R. 6123: Mr. TEAGUE.
H.R. 6128: Ms. CHU, Mr. HILL, Mr. SIRES, Ms. PINGREE of Maine, Mr. WALZ, Mr. FARR, Mr. DOGGETT, Mr. DAVIS of Illinois, Ms. NORTON, Mr. VISCLOSKY, Mr. WELCH, Ms. JACKSON LEE of Texas, Mr. BOSWELL, Mr. HIGGINS, Ms. LINDA T. SÁNCHEZ of California, Mr. OBERSTAR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. BRALEY of Iowa, and Mr. PALLONE.
H.R. 6132: Mr. HASTINGS of Florida, Mr. WELCH, and Mr. VISCLOSKY.
H.R. 6133: Mr. KLEIN of Florida.
H.R. 6134: Mr. SHADEGG.
H.R. 6139: Ms. SLAUGHTER.
H.R. 6143: Mr. GRIJALVA and Mrs. NAPOLITANO.
H.R. 6150: Ms. ZOE LOFGREN of California and Mr. RADANOVICH.
H.R. 6160: Mr. MCMAHON and Mr. LIPINSKI.
H.R. 6174: Mr. MEEKS of New York.
H.R. 6184: Mr. INSLEE, Mr. BLUMENAUER, Mr. SIMPSON, Mr. WU, Mrs. MCMORRIS RODGERS, and Mr. MCDERMOTT.
H.R. 6192: Ms. DELAURO, Mr. CONYERS, and Mr. CARDOZA.
H.R. 6198: Mr. SMITH of Texas and Mr. COHEN.
H.R. 6211: Mr. NYE.
H. Con. Res. 224: Mr. LAMBORN.
H. Con. Res. 259: Mr. LATOURETTE, Mr. MAFFEI, and Mr. DOYLE.
H. Con. Res. 267: Mr. QUIGLEY Mrs. BACHMANN, Mr. ROHRABACHER, and Mr. FALEOMAVAEGA.
H. Con. Res. 303: Mr. CAMPBELL.
H. Con. Res. 312: Mr. AKIN, Mr. LINDER, Mr. DUNCAN, Mr. BILBRAY, Mr. NEUGEBAUER, Mr. FORTENBERRY, Mrs. LUMMIS, Mr. THOMPSON of Pennsylvania, Mr. BARTON of Texas, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. SHIMKUS, Mr. FLEMING, Mr. CONAWAY, Mr. KING of Iowa, Mr. HERGER, Mr. POSEY, and Mr. SESSIONS.
H. Con. Res. 319: Mr. PETRI, Mr. FORBES, Mr. ANDREWS, Mr. KISSELL, Ms. SHEA-PORTER, and Mr. TURNER.
H. Res. 111: Mr. TAYLOR and Mr. MAFFEI.
H. Res. 155: Mr. QUIGLEY.
H. Res. 397: Mr. THOMPSON of Pennsylvania.
H. Res. 510: Mr. MCGOVERN.
H. Res. 767: Mr. COHEN.
H. Res. 840: Mr. THOMPSON of Pennsylvania.
H. Res. 929: Mr. CALVERT.
H. Res. 1207: Mr. GERLACH.
H. Res. 1217: Mr. DJOU.
H. Res. 1226: Mr. NYE and Mr. LARSON of Connecticut.
H. Res. 1343: Mr. PITTS.
H. Res. 1378: Mr. JONES, Mrs. BONO Mack, and Mr. FORBES.
H. Res. 1431: Mr. MURPHY of New York, Ms. MCCOLLUM, Mr. SPACE, Mr. HARE, Mrs. BONO Mack, Mr. JACKSON of Illinois, Mr. SCHAUER, Mr. LIPINSKI, Mr. GRIJALVA, Mr. LINCOLN DIAZ-BALART of Florida, Ms. BALDWIN, and Mr. MOORE of Kansas.
H. Res. 1476: Mr. BAIRD, Ms. CASTOR of Florida, Mr. INSLEE, Ms. JACKSON LEE of Texas, and Ms. HIRONO.
H. Res. 1485: Ms. KILROY, Mr. LIPINSKI, and Ms. ZOE LOFGREN of California.
H. Res. 1488: Mr. SNYDER, Mrs. LOWEY, and Ms. DEGETTE.
H. Res. 1501: Ms. GRANGER, Mrs. SCHMIDT, Mr. ROGERS of Alabama, Ms. NORTON, Mr. ISSA, and Mrs. MYRICK.
H. Res. 1531: Mr. LOBIONDO, Mr. POMEROY, Mr. PETERSON, Ms. MARKEY of Colorado, Mrs. NAPOLITANO, Mr. KISSELL, Mr. JONES, Mr. MURPHY of New York, Mr. MORAN of Kansas, Mr. SCOTT of Georgia, Ms. MCCOLLUM, and Mrs. BLACKBURN.
H. Res. 1563: Mr. PASCRELL, Mr. PAYNE, and Mr. PALLONE.
H. Res. 1570: Mr. OLVER.
H. Res. 1576: Mr. BOCCIERI and Mr. LAMBORN.
H. Res. 1588: Mr. HOYER, Mr. LOBIONDO, Mr. SMITH of Washington, and Ms. TSONGAS.
H. Res. 1590: Mr. ROGERS of Alabama, Mr. PITTS, and Mr. BROUN of Georgia.
H. Res. 1598: Ms. WOOLSEY, Ms. BALDWIN, Mr. FILNER, Mr. GRIJALVA, Mr. CLEAVER, Mr. TOWNS, and Mr. MCGOVERN.
H. Res. 1600: Mrs. DAHLKEMPER, Mr. LATTA, Mr. BURGESS, Mr. OLVER, Mr. CLAY, Mr. SPRATT, Mr. WELCH, Mr. BRIGHT, Mr. JACKSON of Illinois, Ms. EDWARDS of Maryland, Mrs. MILLER of Michigan, Ms. BERKLEY, Mr. MATHESON, Mr. TOWNS, Mr. MCKEON, Mrs. CAPPS, Mr. BUTTERFIELD, Mr. CHANDLER, Mr. KENNEDY, Mr. BARROW, Mr. MCDERMOTT, Ms. MARKEY of Colorado, Mr. HOLT, Mr. SCALISE, Mr. HOLDEN, Mr. KIND, Mr. FARR, Ms. Linda T. Sánchez of California, Mr. GRIFFITH, Mr. SCHIFF, Mr. SALAZAR, Mr. ROSS, Mr. CAO, Mr. DOYLE, Mrs. KIRKPATRICK of Arizona, Ms. DEGETTE, Mr. RYAN of Ohio, Mr. BAIRD, Mr. OBERSTAR, and Mr. ELLISON.
H. Res. 1615: Mr. CALVERT and Ms. GINNY BROWN-WAITE of Florida.
H. Res. 1617: Mr. MARIO DIAZ-BALART of Florida, Mr. KAGEN, Mrs. MYRICK, and Mr. SESTAK.
H. Res. 1621: Mr. PASCRELL, Mr. MCGOVERN, Mr. MELANCON, Ms. KAPTUR, and Mr. HARE.
H. Res. 1624: Mr. HODES and Ms. PINGREE of Maine.
H. Res. 1628: Ms. SUTTON.
H. Res. 1630: Mr. WALDEN and Mr. ISSA.
H. Res. 1631: Mr. BERMAN, Mr. GALLEGLY, Mr. COSTA, and Mr. GENE GREEN of Texas.
H. Res. 1636: Mr. GALLEGLY.
H. Res. 1637: Ms. TITUS, Mrs. CAPITO, Mr. GORDON of Tennessee, Ms. EDWARDS of Maryland, Ms. SLAUGHTER, and Mr. PERRIELLO.
H. Res. 1641: Mr. CONNOLLY of Virginia, Mr. GONZALEZ, Mr. HALL of New York, Mr. ISSA, Mr. RADANOVICH, and Mr. RYAN of Ohio.
H. Res. 1645: Mrs. NAPOLITANO, Mr. MCGOVERN, Mr. COURTNEY, Ms. LORETTA SANCHEZ of California, Mr. POLIS of Colorado, Mr. CONYERS, Mr. TOWNS, and Ms. CHU.
H. Res. 1646: Mr. LARSON of Connecticut.
H. Res. 1648: Mr. BOCCIERI, Ms. GINNY BROWN-WAITE of Florida, Mr. COSTELLO, Mr. GALLEGLY, Ms. JENKINS, Mr. LAMBORN, Mr. PETERSON, Mr. ROGERS of Michigan, Mr. SABLAN, and Mrs. SCHMIDT.
H. Res. 1651: Mr. RANGEL, Mr. CLEAVER, and Mr. AL GREEN of Texas.
H. Res. 1655: Mrs. MCCARTHY of New York, Mr. COURTNEY, Mr. ELLISON, and Mr. JOHNSON of Georgia.
H. Res. 1656: Mr. SCOTT of Georgia.

PETITIONS, ETC.

Under clause 3 of rule XII:

170. The SPEAKER presented a petition of City of Conover, North Carolina, relative to Resolution 27-10 expressing opposition to federally mandated collective bargaining; which was referred to the Committee on Education and Labor.