SENATE—*Tuesday, September 28, 2010*

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Immortal, Invisible God Only Wise, the kingdom, the power, and the glory belong to You. Make us to lie down in green pastures and lead us beside still waters.

Lord, forgive us for peaceful talk and belligerent attitudes. In their quest for the best for all people, sensitize our lawmakers' consciences to hear Your voice, obey Your precepts, and to embrace justice, righteousness, and peace. Deliver them from that pride that refuses to acknowledge Your rule among the nations. Let integrity be the hallmark of their character. Help them to see that real security is found only in You.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 28, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Following any leader remarks, there will be a period of morning business until 11:10 this morning, with Senators permitted to speak for up to 10 minutes each, during which Senators may make tributes to the late Senator Ted Stevens.

At 11:10 a.m., there will be 20 minutes for debate prior to a rollcall vote on the motion to invoke cloture on the motion to proceed to S. 3816, the Creating American Jobs and Ending Offshoring Act, with the time equally divided and controlled between the two leaders or their designees. At 11:30 a.m., the Senate will proceed to a rollcall vote on the motion to invoke cloture on the motion to proceed to the offshoring bill. If cloture is not invoked, there would be a second vote on the motion to invoke cloture on the motion to proceed to H.R. 3081, the legislative vehicle for the continuing resolution.

As a reminder, former Senator Ted Stevens will be laid to rest at Arlington National Cemetery at 1 p.m. today. Buses will depart the Senate steps at 12:15 p.m. today.

HONORING ARLEN SPECTER

Mr. REID. Madam President, as I came into the Chamber, I saw my friend ARLEN SPECTER standing behind me. There will be other times I will say more about ARLEN SPECTER, but I think it is appropriate to say a few words today about ARLEN SPECTER. After the beginning of the year, he will no longer be with us as a Senator.

I have followed very closely his career. I have read his book—he has written a number, but I read the book about his life—and it was fascinating, about his prosecutorial skills in Pennsylvania.

We all know of his academic approach to the law in the Senate. When he comes to the floor, he is someone who speaks after having given serious, long thought to what he was going to talk about, as I am sure he will today. I have spoken in recent days with him at great length about something he strongly believes in; that is, making the Supreme Court something the American people can identify with by having cameras in and watching the arguments before the Supreme Court, not having to read a stale transcript but listen to the give-and-take of the lawyers and the Court.

As I said, I will have a lot more to say about ARLEN SPECTER at some time in the future, but I have appreciated his astute awareness of the law and his being so good to me. It doesn't matter whether he is a Democrat or a Republican, he is a Senator who I think is exemplary.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

A POLITICAL EXERCISE

Mr. MCCONNELL. Madam President, the American people have been speaking out for a year and a half. They have wanted Democrats in Washington to focus on the economy and on jobs. What they got instead was a budget that explodes the national debt, a $1 trillion stimulus that failed to hold unemployment down to the levels we were told it would, a health spending bill that is already leading to higher costs, and a raft of other bills that expand Washington's role in people's lives.

With just 3 days left in the Democrat's 2-year experiment in expanded government, they want to make a good last impression with a bill they know has no chance of passing and which they have no interest in passing. So this is about as pure a political exercise as you can get. In my view, it is an insult to the millions of Americans who want us to focus on jobs.

Democrats made a very clear choice. They chose to ignore the concerns of the American people and to press ahead with their own agenda over the past year and a half. In the last 3 days of the session, they have decided they can at least pretend to be concerned. This is nothing short of patronizing. But in some ways it is the perfect way to end a session in which the American people have taken a backseat to the Democrats' big government agenda.

As for the specifics of this bill, even if this were a serious exercise, it is a bad idea. Even the Democratic chairman of the Finance Committee said this bill could hurt American competitiveness. As a number of my colleagues pointed out yesterday, the way to get U.S. businesses to produce more here isn't to tax them even further, it is to stop punishing them with our high corporate tax rate. If American businesses are going to compete with foreign corporations, we should have competitive tax rates. It is that simple.

Moreover, the companies this bill targets, by and large, are not opening overseas subsidiaries to make products for Americans. They are moving overseas to serve foreign markets in addition to the markets they already have in place, and that creates jobs right here in the United States. When these additional markets overseas are opened, it creates jobs right here in the United States.

This bill is not a serious attempt to address a problem. It is a purely political exercise aimed at making a good impression. Unfortunately for Democrats, the impression they have made over the past year and a half has stuck—and for good reason.

REMEMBERING SENATOR TED STEVENS

Mr. MCCONNELL. Madam President, at 1 o'clock this afternoon our dear friend, Ted Stevens, will be laid to rest, with honors, across the river at Arlington National Cemetery. So the Senate will be thinking of Ted Stevens today.

Ted was a legend in his own lifetime and the American people would have remembered him even if he had not gone on to serve as the longest serving Republican in Senate history. A recipient of the Air Medal and the Distinguished Flying Cross for his service in the Army Air Corps during World War II, Ted was, during his earliest days, an adventurer, a fighter, and a patriot. He lived an incredibly full life, most of it in service to his Nation and more specifically to his State.

His colleagues in the Senate admired and even sometimes feared him, but Alaskans loved him without any qualification. To them he was just ''Uncle Ted,'' a title I am sure will live on.

I have been to Alaska a number of times over the years at Ted's invitation and one of the things that becomes clear to anyone who goes up there, as I said at Ted's funeral last month, is that Alaska ironically is a pretty small place—in the sense that everybody seems to know each other, and everybody knew Ted Stevens. From the airport in Anchorage to the remotest villages, Ted is omnipresent up there. That is saying something in a State that is bigger than California, Texas, and Montana combined.

The reason is simple: In Ted's view, if it wasn't good for Alaska, it wasn't good. He devoted his entire adult life to a simple mission, to work tirelessly and unapologetically to transform Alaska into a modern State. He was faithful to that mission to the very end. It is hard to imagine that any one man ever meant more to any one State than Ted Stevens.

One of the stories I like about Ted is the one about his former chief of staff and his first trip to Alaska with Ted. When he showed up at Ted's house to pick him up at 6 o'clock in the morning, Ted had already gone through the briefing book he had been given the night before, read all the daily papers, and had already been on the phone to Washington for a couple hours. By the end of the trip, he said he needed a vacation after doing, for 2 weeks, what Ted had been doing for 39 years.

But Ted would always say he worked so hard because there was always so much work to do. Part of that, of course, was making sure that all of us knew about what Alaska and Alaskans needed. So everybody got invited up there—not necessarily because he liked you but because he wanted us to appreciate the unique challenges Alaskans faced day in and day out, and turning down an invitation from Ted Stevens was not recommended.

Ted poured himself into Alaska and he poured himself into the Senate. He mentored countless young men and women who worked for him over the years. He mentored countless new Members from both parties.

It was an honor to have known him, and it was a privilege to have served alongside him in the Senate for so long.

We have missed him the past 2 years, and we honor him again today.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 11:10 a.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Pennsylvania.

SENATOR TED STEVENS

Mr. SPECTER. Madam President, I have sought recognition to join in paying tribute to Senator Ted Stevens, who was in this Chamber from 1967 until early 2009, and his presence is still felt, so pervasive was his impact on this body.

My first contact with Senator Stevens was shortly after my election, when I was in the process of selecting my committee assignments. I had said during the campaign that I would seek the Agriculture Committee, but when the first round came up and there was a spot left on Appropriations, I decided that was the best committee to select for the interests of my State.

I did not get the Ag Committee. Appropriations has a subcommittee, Ag Appropriations, and it was filled. But Ted Stevens generously opened the spot, taking another subcommittee assignment so I could maintain, in part, my statement that I would seek influence on the agricultural issues.

Ted Stevens had a reputation for being tough and demanding. He had a famous Hulk tie which I proudly have in my closet and wear on occasions when it is appropriate. But behind that tough exterior, there was a heart of gold and a very emotional man. He said that he did not lose his temper, he would ''use'' his temper, that he did not lose his temper, he always knew where it was.

I recall one session of the Senate in the middle of the night. During Howard Baker's term as majority leader, he would sometimes have all-night sessions. It is amazing how much you can get done and how short the debate is at 3 a.m. An issue had arisen as to residency. I believe it was Bill Proxmire who had made some statements about living in Washington, DC. That infuriated Ted Stevens, and he rose, and in a loud, bombastic, explosive voice, he said he did not live in Washington, he lived in Alaska, and because of his affection for Alaska, he could not consider living in Washington. This was part-time duty to handle a specific job.

In 1984 after the elections, Senator Baker retired, and the Senate leadership was up. At that time, we had the most hotly contested battle for leadership during my tenure here and perhaps of all time. There were five top-notch candidates: Senator Stevens, Senator Dole, Senator McClure, Senator Domenici, and Senator LUGAR. It finally boiled down to Bob Dole and Ted Stevens, and Bob Dole won, 28 to 25. When the vote was taken, I happened to be sitting with Senator Dole. We had lived in the same town—Russell, KS—and had been friends for decades. When Ted Stevens came over to congratulate Bob Dole, I was in the picture—a photo I prize until this day.

Senate leadership elections are complex, and there was later consideration that perhaps Bob Dole's leaving the leadership of the Finance Committee opened the door for Bob Packwood, whose vote was for Dole, and perhaps Senator Packwood's leaving the leadership of the Commerce Committee chairman opened it up for Jack Danforth. That was a watershed election.

Senator Stevens and I did not always agree on matters, such as the outcome of the Iran Contra matters, but there was also a collegiality and cordiality. I was the beneficiary of one of the famous Alaska trips with Ted Stevens. I caught a king salmon, 29 pounds—toughest 15 minutes of my life—and it hangs on a shelf. The stuffed salmon hangs proudly in my Senate office. Great fish to eat. They have ways of preserving the carcass so that you can stuff it. You can have your fish and eat it too.

Ted Stevens was a mentor. During the Alcee Hastings impeachment proceedings, where I was cochairman of the committee assigned to hear the evidence and later making a floor speech, I thought there ought to be a standard for impeachment. Ted Stevens wisely counseled me against that. He said: Don't do that. Don't try to establish some standard. It is a matter of each Senator's individual judgment. And when the impeachment proceeding of President Clinton came up, Ted Stevens was one of the 10 dissenters. He

voted no on one of the bills of impeachment.

During the course of Ted Stevens' problems with the Department of Justice and the investigation, I talked to him about those matters, some of the implications in the criminal law case. I responded to an inquiry shortly before the 2008 election, was on Alaska radio cautioning the voters not to consider Ted Stevens a convict because the case was in midstream and there were very, very serious questions which had to be adjudicated, and I said I didn't know all of the details, but I had reviewed enough of the file to know that it was an open question. During the confirmation hearings of Attorney General Eric Holder, when we had our private talks—I was then ranking—I called the issue to his attention, and he promised to make a thorough review and later did so. And the rest is history. Ted Stevens was exonerated and the issue was dismissed.

After that event took place, I was talking to Larry Burton, who worked years ago for Ted Stevens, a squash-playing partner of mine. A few of us crafted a resolution honoring Ted Stevens and saying what a tremendous force he had been here, but we were asked by the lawyers to hold up because some action might be pending in the Department of Justice, so that should be delayed.

Today, we will lay Ted Stevens to rest, and with him a really great American. His family—Catherine, a devoted wife, an outstanding lawyer, a great public servant in her own right as an assistant U.S. attorney. When my class was elected in 1980, their daughter Lily was an infant, and she grew up in the Senate and now is a fine young woman, is a practicing attorney, and is now 30 years old. And Catherine, Joan, Ted, and I spent many pleasant evenings over a martini and a dinner and some of Ted Stevens' really great red wine.

He was extraordinary in his devotion to his State, and no Senator has ever done more for their State than Ted Stevens did for Alaska. So he leaves a great record, a great reputation, and he will be sorely missed.

In the absence of any other Senator in the Chamber seeking recognition, I ask unanimous consent for 15 minutes to proceed as in morning business.

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

A GRIDLOCKED CONGRESS

Mr. SPECTER. Mainstream Americans must march to the polls this November to express themselves forcefully to stop extremists financed by undisclosed contributors from stifling our democracy. The Congress is gridlocked, leaving the Nation's business floundering. Fringe candidates with highly questionable competency are winning primary elections. Moderates and some conservatives are falling because they fail the test of ideological purity.

In the past 10 years, both parties have taken advantage of procedural rules-gimmicks to thwart needed congressional action. During the administration of President George W. Bush, Democrats mounted so many filibusters against judicial nominations that the Senate was on the verge of changing an important rule requiring 60 votes to cut off debate. During the Obama administration, Republicans have exceeded the prior extremism of Democrats on filibusters. In addition, the leaders of both parties have abused procedural rules to stop Senators from offering important, germane amendments to pending legislation in a Chamber where the tradition had allowed any Senator to offer virtually any amendment on any bill to get a vote to focus public attention on important national issues.

The partisanship has reached such a high level and comity such a low level that there is not even the pretense of negotiation or compromise in almost all situations. Within days of the start of the Obama administration, literally before the ink was dry on his oath of office, Republicans openly bragged about plans to ''break'' him and to engineer his ''Waterloo.'' Announcing that ideological purity was more important than obtaining a majority, the prevailing Republican motto was: We would rather have 30 Marco Rubios in the Senate than 50 Arlen Specters.

Moderates and some conservatives, too, have fallen like flies at the hands of extremists in both parties. Senator ROBERT BENNETT's 39 percent conservative rating was insufficient for renomination in Utah. Senator LISA MURKOWSKI was rejected by Alaska's tea party's dominance in their Republican primary. In perhaps the most stunning election, an opponent whom conservative Republicans characterized as incompetent beat Congressman MIKE CASTLE. These elections were presaged by the surprising defeat of Senator JOE LIEBERMAN, who was not sufficiently liberal to represent Connecticut's Democrats.

The Senate is a vastly different place than it was when I was elected in 1980. In that era, Howard Baker and Lloyd Bentsen worked together. Bob Dole and Russell Long could reach an accommodation on tax issues. Bill Cohen and ''Scoop'' Jackson found compromises in the Armed Services Committee. The Nunn-Lugar initiatives were legendary. DAN INOUYE and Ted Stevens perfected bipartisanship on the Appropriations Committee.

I think it is fair and accurate to say that the Republican Party has changed the most ideologically from the days when the steering committee, led by Senator Jesse Helms, represented the conservatives and the Wednesday moderate luncheon club was almost as big, with Mark Hatfield, ''Mac'' Mathias, Lowell Weicker, John Danforth, Charles Percy, Bob Stafford, John Heinz, John Chafee, Bob Packwood, Alan Simpson, John Warner, Warren Rudman, Slade Gorton, and ARLEN SPECTER, in addition to Baker, Dole, Stevens, and Cohen. By the turn of the century, the group had shrunk to Jim Jeffords, OLYMPIA SNOWE, SUSAN COLLINS, LINCOLN CHAFEE, and me. After the 2008 election, only SNOWE, COLLINS, and I remained.

By the fall of 2008, the economy was in free fall. More than half a million jobs were being lost each month, and the unemployment rolls were nearing 4 million. President Bush formulated a $750 billion so-called bailout called TARP, the Troubled Asset Relief Program. Resistance to the proposal was high. The House of Representatives rejected it on September 29 by a vote of 228 to 205. The stock market fell 778 points on the Dow Jones average. Nothing could be done immediately since many in Congress—myself included—were in synagogues across the country celebrating Rosh Hashanah on that evening and the next day. The Senate came back into session on October 1 to vote on TARP.

Vice President Cheney met with the Republican caucus to urge acceptance of the President's plan. Dick Cheney had an earned reputation for being a dry, factual, unemotional speaker, low key, direct, here it is, take it or leave it.

Before the Senate vote, in the Senate Mansfield Room, immediately off this Chamber, the Vice President was impassioned. He said if you don't pass this legislation, George W. Bush will turn into a modern day Herbert Hoover.

Republicans responded with 34 voting aye and 15 opposed. TARP passed the Senate 75 to 24. The House followed suit, and the President signed the bill. It wasn't a pretty legislative process. It started out with a few pages, mushroomed into a gigantic bill, without appropriate hearings, analysis, debate or deliberation. Fast action was mandatory if we were to stop the market slide and the economy from crashing. The implications were worldwide.

The situation continued to deteriorate. President Obama immediately went to work on a stimulus bill. He came to the Republican Caucus on January 27, and made a very strong appeal on the urgency of immediate action to save the U.S. economy from a 1929-type depression with a domino effect on the world economy. He said it was imperative that the bill be passed by February 13, the Friday before Congress began a weeklong recess for the Washington/Lincoln birthdays.

A large group of Senators held a series of meetings attended by about 15 rotating Democrats with 6 Republicans

initially in attendance: OLYMPIA SNOWE, SUSAN COLLINS, GEORGE VOINOVICH, LISA MURKOWSKI, MEL MARTINEZ, and me. The final meetings were held on February 6 in HARRY REID's office, attended by SUSAN COLLINS, BEN NELSON, JOE LIEBERMAN, Rahm Emanuel, REID, and me. COLLINS and I insisted on having a final bill under $800 billion. The Obama figure had started out at $600 billion and ballooned to more than a trillion dollars. She and I thought it would be tough for the public to swallow a stimulus act so we insisted on holding the figure under $800 billion. When she and I couldn't agree with the Democrats, we took a break and went to my hideaway office to confer. There we formulated our last best proposal, which was accepted.

The stimulus package, like TARP, was put together too fast without appropriate hearings, analysis, debate, and deliberation. Had the Republican leadership participated, there would have been critical staff assistance on formulating what the money should have been spent for to stimulate the economy immediately and create jobs, but the Republican leadership refused to participate. The Republican game plan was already in effect to ''break'' Obama and cause his ''Waterloo.''

There were many Republicans in the caucus who would have liked to have voted for the stimulus. The U.S. and world economies were closer to the precipice of depression than when 34 Senators had voted for TARP. But the pressure to vote the party line was tremendous—the strongest I had seen in my 29-year tenure. The risk of retribution was enormous.

After making my floor speech supporting the President's plan, I walked back into the Republican cloakroom where a senior colleague said: ''ARLEN, I'm proud of you.'' When I then asked him: ''Will you join with me?'' he replied: ''No, I couldn't do that. Might cost me a primary.'' While there has been much justified criticism that the stimulus legislation could have been better, most would agree that it did prevent a 1929-style depression.

Not interested in governance, after the stimulus vote, Republicans turned to obstructionism—a virtual scorched-earth policy to carry out the plan to defeat the President. In 2009 and 2010 to date, 112 cloture motions have been filed and voted on 67 times. That the filibusters were frivolous, dilatory, and obstructionistic is evidenced by the fact that some judges were confirmed by overwhelming majorities, some 99 to 0, after cloture was invoked. Each time cloture was invoked, the Senate could not take up any other business for 30 hours, leaving little time to take up other vital legislation.

On some occasions, relatively rare, the filibusters were justified where the majority leader filled the so-called tree, precluding minority amendments. That sometimes led to half-hearted negotiations over how many and what amendments the minority could offer, resulting in reciprocal recriminations of unfairness. Often the recriminations were meritorious with both parties being to blame. Each side maneuvered to avoid voting on amendments which posed political risks to their side. Notwithstanding the fact that Senators are sent to Washington to vote, enormous energy is expended to avoid votes. This issue did not apply to judicial confirmations where no amendments were in order. In 2008, I proposed a rule change to establish a timetable for confirming judges precluding filibusters. In 2009, I proposed a rule change to prohibit filling the so-called tree to prevent other Senators from offering amendments.

The exodus of Senate Republican moderates has resulted from the shift of the party to the right causing many moderates to reregister as Independents or Democrats, significant expenditures by the Club for Growth, the activism of the tea party, and, more recently, the infusion of enormous sums of money from secret contributors. Extreme right-wing candidates have benefited from enormous campaign expenditures by outside groups. The New York Times recently reported that ''outside groups supporting Republican candidates in House and Senate races . . . have been swamping their Democratic-leaning counterparts on television . . .'' Bloomberg News reports that, in September alone, groups supporting Republican candidates spent $17 million while groups supporting Democratic candidates spent only $2.6 million.

The Club for Growth's backing of Lincoln Chafee's primary opponent in Rhode Island in 2006 was especially costly causing his defeat in the general by draining his financing and pushing him to the right. It cost Republicans control of the Senate in 2007 and 2008. When the Club for Growth defeated moderates in the primaries, Pete Domenici's seat was lost in 2008, as were the House seats of Joe Schwartz in Michigan in 2006 and Wayne Gilchrist in Maryland in 2008.

It is understandable that moderates are responding to caucus pressure, seeing what is happening to colleagues who are seen as ideologically impure and insufficiently conservative. BOB BENNETT had a 93 percent conservative rating. Only two objections were raised against him: he sponsored health care reform legislation which was cosponsored by many other Republicans, and he voted for TARP. As noted, TARP was President Bush's legislation, enthusiastically advocated by Vice President Cheney. It was a significant success, stabilizing the banking industry and enabling GM and Chrysler to stay in business. Most of the government funds have been repaid.

South Carolina Congressman BOB INGLIS, who was defeated earlier this year by a conservative primary challenger, said today's political climate would make it ''a tough time for Ronald Reagan and Jack Kemp.'' Florida Governor Charlie Crist was driven out of the Republican Party to an Independent candidacy because his State accepted stimulus money. He was pictured embracing President Obama and he was thought to be too liberal. Considering what has happened to BENNETT, MURKOWSKI, CASTLE, and Crist, is no wonder that Republican Senate moderates and some conservatives are hewing the party line as they watch right wingers plan for their primary defeats years away.

Republican Senators who previously actively supported campaign finance reform were unwilling to cast a single vote with 59 Democrats to proceed to consider legislation requiring the disclosure of corporate contributions permitted by the Supreme Court decision in Citizen's United. Notwithstanding the broad latitude given to campaign contributions under the first amendment, the Supreme Court rulings leave Congress the authority to require disclosure. It is hard to understand how any objective view would oppose disclosure when secret contributions pose such a threat to our democracy.

The ACTING PRESIDENT pro tempore. The Senator has now used his additional 15 minutes of time.

Mr. SPECTER. Madam President, I ask unanimous consent for 2 additional minutes.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I have been waiting now to speak on Ted Stevens, which was, I thought, the time allotted here. I am happy to give the Senator another 2 minutes on top of the extra 15 if that is necessary, but we have several Members wishing to speak on Senator Stevens. If he would hold it to another 2 minutes.

Mr. SPECTER. Well, I asked for the time when no one was here. I do ask for the additional 2 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Utah.

Mr. BENNETT. Madam President, reserving the right to object, and I shall not, I ask unanimous consent that following Senator SPECTER, I be recognized for 5 minutes, Senator HUTCHISON be recognized for 5 minutes, Senator COLLINS for 10 minutes, Senator ALEXANDER for 5 minutes, and Senator ISAKSON for 5 minutes, thus locking in the time we understood we were going to get.

The ACTING PRESIDENT pro tempore. Without objection, both requests are granted.

Mr. SPECTER. To continue the chain of thought, like the issue on campaign contributions, the DOD authorization

bill was stymied on the excuse of ''procedural'' considerations involving ''don't ask, don't tell,' when many Republicans had voted to repeal it on prior occasions.

This country is still governed by ''we the people,'' but the only people who count are the ones who vote. If mainstream Republicans had been as active tea party Republicans in the Utah, Alaska, and Delaware primaries, I believe BENNETT, MURKOWSKI, and CASTLE would have won. That would have given heart to other Republican Senators that their records would be judged by a sufficiently large base to give them a fighting chance to survive.

Politics is routinely described as the art of the possible or the art of compromise. The viability of the two-party system is predicated on advocacy of differing approaches to governance which ultimately seeks middle ground or compromise. That is virtually always indispensible to reach a supermajority of 60. When one party insists on ideological purity, compromise is thwarted and the two-party system fails to function.

People with grievances are the most anxious to shake up the system. The Congress needs to deal with issues such as the deficit, the national debt, and the intrusiveness of government. The tea party people who attended townhall meetings in August of 2009, like mine in Lebanon, were not Astro Turf, but citizens making important points. But they did not represent all of America or, in my opinion, even a majority of Republicans. Pundits are saying this November our Nation will be at the crossroads. I believe it is more like a clover leaf. If activated and motivated to vote, mainstream voters can steer America to sensible centrism.

Madam President, I thank my colleagues for their forbearance.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

REMEMBERING SENATOR TED STEVENS

Mr. BENNETT. Madam President, today we will go to Arlington for the final ceremony with respect to our former colleague, Senator Ted Stevens. He has earned a place in Arlington by virtue of his service in the Second World War, but he has earned a place in the hearts of all of us who worked with him, and like my colleagues I want to take the opportunity to say a few words about Senator Stevens.

Senator Stevens was something of a character. He would wear his Hulk tie. He would cultivate his reputation as an irascible fighter, and he always had a twinkle in his eye when he did it. But there was some truth to it.

I remember the first time he took over as the chairman of the Senate Appropriations Committee. He gathered us together and he, speaking of his predecessor, Mark Hatfield, said: Mark Hatfield was a saint. He was filled with patience. You could talk to him at length, and he was always willing to defer. He was always willing to put off until you could get to the right solution. Mark Hatfield was a saint. I am not. We are going to get this thing done, and we are going to get it done on time. I am impatient, and I am going to make sure that the things go in the way they should.

We all chuckled at that. We did, indeed, enjoy Mark Hatfield. But the point I want to make today is that behind that facade that Senator Stevens liked to put up was a very serious legislator and a very superior human being.

Ted Stevens was always accessible. No matter what your problem was, you could go to him and he would listen to you. I discovered that when we were working on funding for the Olympics. He was a great supporter of the Olympics. As a Senator from Utah, when we were holding the Olympics I not only got his support, but I got his advice and his help. He was always accessible. He was always prepared. If you went to Ted Stevens, you wouldn't catch him by surprise on anything. He was always engaged. He didn't have to have the staff bring him up to speed; he had to have an understanding of the issues himself.

Perhaps most importantly, Ted Stevens was always open to new ideas. I was chairman of the Joint Economic Committee and would talk about the economy to the conference as a whole and would be surprised how many times Ted Stevens would come up to me after and have some new idea about the economy or some new source he had come across he would recommend to me. Even after he had left the Senate when I would run into him in a social situation, Ted would say, You ought to get your staff looking at—and then he would fill in the blank with information of what it was he had found out.

Ted Stevens served in the highest tradition of this body. It was an honor and a privilege and a learning experience for me to be able to serve with him. On this day, he takes his final resting place in Arlington. I join with my colleagues in paying tribute to him, not just as a Senator but as a superior human being and a great friend.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I rise to salute my former colleague Ted Stevens who will be laid to rest in Arlington today. He earned the right to be buried in Arlington National Cemetery, having served in World War II. That is one of the things that hasn't been talked about as much regarding Ted Stevens because he was a remarkable Senator and has a remarkable history with his State of Alaska as well as in the Senate.

Ted Stevens served here for 40 years. From the very beginning, Ted was Alaska's greatest champion. He helped found his State. He pushed through Alaska statehood and worked tirelessly to serve its unique needs for his entire life and continued to be its greatest advocate.

Nine years after he helped establish Alaska's statehood, he was elected to serve in the Senate. He spent the next 40 years building his State from an undeveloped territory, which Alaska was, to one of our Nation's most important energy producers, along with the other things Alaska gives to our great Nation. It is a testament to Ted Stevens' mighty efforts and his love for his native land.

Alaska and every other State was helped by Ted Stevens. Everyone knows he took care of Alaska because he fought ferociously, but he also helped every other Senator represent their States and the priorities of their States, and that was one of the great things about this man.

In particular, when he went on the Appropriations Committee and later was its chairman as well as the chairman of the Defense Appropriations Subcommittee, he devoted himself to protecting our troops, to making sure they had the right equipment to do the jobs we ask them to do. Of course, he was a man of the military. He was so proud of his air service. He was a man who had flown in World War II. I visited the World War II Memorial to Americans in Great Britain with Ted Stevens, and he walked around all of the old airplanes and talked about the airplanes that were there and the ones he had flown and the ones that were new. There was an excitement about that, in his 80s—all the memories of his World War II time.

When someone would say to me, How do you get along with Ted Stevens, I would always say Ted Stevens is a man who is all bark and no bite. This was a man who had this Incredible Hulk tie and he would frown and he would look ferocious. He was so tender underneath. He wanted to help people. He wanted to make sure people did the right thing. He had a passion, he did, but he was so good underneath.

Back in 1993, when I first entered the Senate, I was one of seven women Senators. I would say there was not another woman on the Defense Appropriations Subcommittee—my colleague BARBARA MIKULSKI was on the committee—but I wanted to be on the Defense Subcommittee and I told Ted Stevens, We have more Army retirees in Texas than any other State. We have great Army bases as well as Air Force bases in Texas. I want to be on the Defense Subcommittee. He helped me get there. It made a difference in my capability to serve my State and my Nation.

I traveled once with Ted Stevens and DANNY INOUYE to Saudi Arabia for our work on the Defense Appropriations Subcommittee. I was told later that Ted Stevens was actually discouraged by our Saudi host from bringing me with the delegation because I was a woman. Ted Stevens never told me this until later. He said, No way am I going to keep a member of my subcommittee and my committee off this trip she deserves to go on, and that was it. I was part of the delegation. I visited our air base there with all of the other Members. I participated in every meeting and every event during that trip. Ted Stevens and DANNY INOUYE together would have it no other way.

Let me mention the relationship between DANNY INOUYE and Ted Stevens.

Ted Stevens and DANNY INOUYE were the chairman and ranking member of the Commerce Committee, but they never referred to each other as ranking member. They were always chairman and vice chairman. It went back and forth. When Democrats were in charge, DANNY INOUYE would be the chairman of a committee and Ted would be the vice chairman. If Republicans were in the majority, it would be Ted who was the chairman and the vice chairman would be DANNY INOUYE, because they were World War II soulmates. DANNY INOUYE—who is now the chairman of the Appropriations Committee and another great patriot for our country, hailing from Hawaii, who won the Congressional Medal of Honor for his great service in World War II—and Ted were inseparable friends and called each other soul brothers.

Another Ted story: One day during the markup in the Senate Appropriations Committee, Ted grew very animated, as he did on issues, and when another Senator said, Mr. Chairman, there is no reason for you to lose your temper, Ted glared back and said, I never lose my temper. I know exactly where it is. Those who knew him best knew his compassionate heart.

There is a wonderful article this morning in Politico, one of the newspapers on Capitol Hill, and it talks about his time. Again, another Ted story, World War II: He was very close to the Chinese, because he flew missions into China. One of the things he did was fly supplies to GEN Claire Chennault's Flying Tiger air bases in China. He escorted Anna Chennault on her first trip back to China in 1981 when Stevens himself had just remarried and was on his honeymoon with Catherine. ''We went on our honeymoon there with Anna Chennault'', said Catherine Stevens, laughing. ''Everybody kept sending tips that Ted Stevens is on his honeymoon with Anna Chennault.'' Then Catherine said, ''And that was technically true.''

This is another side of this wonderful man that we are going to bury today with all of the tributes and accolades he deserves at Arlington National Cemetery. We will miss this great man, this great patriot, this great Alaskan, this great American, and this great friend to every one of us here.

Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, Senator COLLINS is next in order, but she has kindly given me a few minutes to make my remarks, and I wish to thank her for that.

Senator Ted Stevens will be remembered as a patriot who flew the first cargo plane into Peking, as it was then called, at the end of World War II, and helped create and then serve the 49th State for a half a century.

I have often thought that some day I should write a book about Senators—not about their gossip or their secrets—but about the things others don't know about the people we work with: About JIM INHOFE's flight around the world; about Ben Nighthorse Campbell's jewelry; about Barack Obama's and Mel Martinez's boyhood; about JIM BUNNING's pitches. All of these things have nothing to do with politics. I always wanted to start with Ted Stevens. Some day I think I will write this book, including about how he flew a cargo plane into Peking at the end of World War II. It says a lot about the kind of life he led afterwards.

No one did more to create Alaska as a State. He worked at the Interior Department for several years, writing speeches, lobbying, doing all kinds of things to cause it to happen. Then he served that State for nearly a half century in the best manner of the greatest generation.

He had a broad view.

He and Senator INOUYE led a trip, along with several of us, to China in 2006, a delegation of Senators. We were better received than if they had been the President and Vice President of the United States, because the Chinese revered Ted Stevens and honored DANNY INOUYE because of their service in World War II. We saw the No. 1 man in China, President Hu. We saw the No. 2 man, Mr. WU. We saw in all parts of the country the respect they had for Senator Stevens and Senator INOUYE.

Senator Stevens carried that to the floor of the Senate. For example, he saw there in China what the Chinese are doing to remain competitive in the world by building up their universities, keeping their brain power advantage. He came back to this body and became a principal cosponsor of the America COMPETES Act, which helps our country do the same.

Perhaps no two Senators had a closer relationship than Senator INOUYE and Senator Stevens. They came from the same generation. They fought in the same war. They were both enormously brave. They treated one another as brothers.

I was a young aide in the Senate when Ted Stevens was first appointed to the Senate in 1968. He was here when I came back 20 years later as the Education Secretary, and when I came back as a Senator 8 years ago, he was still here. He served longer than any other Republican Senator. He will be remembered as a great patriot and as the man who flew the cargo plane into Peking in 1944 and spent half a century creating and then serving our 49th State.

I thank the Chair. I thank the Senator from Maine for her courtesy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Madam President, it has actually been a great pleasure to sit on the floor—and I see the Presiding Officer nodding in agreement—and hear these tributes to our friend, Senator Ted Stevens.

It is, of course, with sorrow that I rise to offer these words on the tragic passing of Senator Stevens, but it is also with a sense of gratitude and fondness that I remember him and that I celebrate his dedicated service to our Nation, to his beloved State, and to the Senate. My thoughts and prayers remain with the Stevens family and with the families of the others who perished in that heartbreaking accident.

In 1999, Senator Stevens was named ''Alaskan of the Century.'' It was a fitting tribute to a man who, though not Alaskan by birth, became one with every ounce of his spirit, energy, and determination.

In 1953, with his heroic military service behind him and fresh out of law school, he drove from Washington, DC, to Fairbanks, AK, in the middle of the winter to begin his first job in his new profession. He soon was appointed U.S. Attorney and quickly established a reputation as a courageous and diligent prosecutor. Returning to Washington 3 years later to accept a position in the Department of the Interior, he took on the cause of Alaskan statehood as the cause of his life.

In 1959, his relentless efforts were rewarded with success. He served with distinction in the brand-new Alaska State Legislature and joined the Senate 9 years later. In this city, he was known as ''Mr. Alaska.'' Back home, he was simply ''Uncle Ted.'' His devotion to his constituents in matters large and small, and in all corners of that vast State, was unsurpassed.

Let me return to his military service for a moment, for I believe it offers a clear view of his character and his patriotism. In 1942, with America plunged into war, Ted volunteered to become a Navy aviator, but was rejected due to problems with his vision. Rather than admit defeat, he embarked on a course of rigorous eye exercises and earned his way into the Army Air Corps, scoring near the top of his training class. His

assignment—to fly cargo over the towering Himalayas to the legendary Flying Tigers—was extraordinarily dangerous. His valor earned him two Distinguished Flying Crosses and two Air Medals, as well as military honors from the government of Nationalist China. As in all things, Lt. Ted Stevens let no obstacle bar his way.

I was privileged to work alongside this extraordinary Senator on the Homeland Security Committee. On every issue, Senator Stevens demonstrated great knowledge and commitment to protecting our Nation and our people. As just one example, he was instrumental in passage of the SAFE Ports Act of 2006 to secure the seaports that are so essential to our Nation's prosperity and security.

Alaska and Maine are separated by a great many miles, but our two States have much in common, including spectacular scenery, and rugged, self-reliant people. Our States also share a connection to the sea that is central to our history and our future. From the Magnuson-Stevens Fisheries Conservation and Management Act of 1976, to his work to protect marine mammals, Senator Stevens demonstrated a deep commitment to the hardworking people who sustain countless coastal communities and an abiding respect for the natural resources that bless us all.

Since his passing, tributes have poured in from across America. Some serve as valuable reminders of his commitment to a broad range of interests. Olympic athletes and those who aspire to that level of achievement know that his Amateur Sports Act of 1978 brought the dream of competing on the world stage within reach of all, regardless of financial circumstances. Female athletes celebrate his support of title IX, which leveled the playing field for women in sports. Cancer survivors remember him as a champion of research, testing, and education in that dread disease. Alaska Natives and Native Americans throughout the Nation recall him as a true friend.

Mr. President, 3 years ago, Ted Stevens became the longest-serving Republican in Senate history. His service has inspired many who seek to serve their States in public office. We will remember him always, and may God bless Ted and comfort his family, his friends, and those of us who were privileged to serve with him.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I join Senator COLLINS and many colleagues in paying tribute to the life and times of Senator Ted Stevens.

While today we will lay his body to rest, his legacy will never be laid to rest. There has never been a more impactful Senator for their State in this country than Senator Ted Stevens.

While I can tell countless stories, I wish to make two brief observations to show you the heart and soul of the effect and impact of Ted Stevens. One of my dear friends, the first Republican Senator from Georgia since Reconstruction, Mack Mattingly, from Brunswick, GA, told me not too long ago, after the passing of Senator Stevens, that when he first came to the Senate in 1981, Stevens was the first man to reach out to him, to help him, and to show him the way. I said: Mack, that is interesting, because when I was elected 6 years ago and I came to the Senate, the first man to offer a hand of leadership and help show me the way was Senator Ted Stevens.

Ted was a consummate Senator, a ferocious fighter for the State of Alaska, and a proud patriot of the United States of America. He may have been small in stature, but he was a giant in ability.

I always loved when we debated ANWR on the Senate floor—whether to drill. He wanted to drill. The people of Alaska wanted to drill. Every day that amendment was going to come up, you knew it because he had his Incredible Hulk tie on and was ready for the fight—not in an adversarial way or in a fistfight way but in a pride way, fighting for what was right for Alaska.

Today, we will lay Senator Stevens to rest in Arlington National Cemetery, but his legacy will live on as a consummate fighter for his State and a lover of this great country. As I have said in my stories about Senator Mattingly and myself, Ted was a mentor to those who came to the Senate to serve. May God bless the life, the times, and the family of Senator Ted Stevens.

Mr. ENZI. Mr. President, it was just about two years ago that many of us came to the floor to say goodbye to one of our good friends. Ted Stevens was leaving the Senate and returning home to his beloved Alaska. He had earned his retirement many times over.

At last there would be time to do the things that he always enjoyed—fishing, spending more time with his family, and being with the people of Alaska who hold him in such high esteem and affection. He was known throughout the State as Uncle Ted.

Now we are gathered again to reflect on Ted Stevens and his life, but this time we are here to say a final farewell as we mourn his loss. On reflection, nothing says more about the way he lived his life than to speak of his loss at the age of 86 with the feeling that he was taken from us all too soon.

Ted's life was a great, grand and glorious adventure, and he filled every day of it to the brim as he pursued anything and everything that interested him or moved him to action. The strength of his character and his love of his country saw him through his military service. His determination to succeed and his commitment to getting a good education helped him through college and then through law school as he worked to obtain the skills and the knowledge he knew he would need to be successful in whatever he chose to do in life.

For all who knew him, Ted's ultimate legacy can be summed up in one word—statehood. That was his first and most powerful calling, and his successful effort to make Alaska a State left its mark on our country and our flag—a distinction that will ensure that Ted will always be remembered.

Although it was a remarkable achievement, the idea of making Alaska a State wasn't a new idea when Ted got a hold of it. It had been talked about for some time, but it wasn't going anywhere because the proposal needed something more to get the ball rolling—it needed a champion who would fight for it—someone who could develop a strategy that would make the impossible dream of the people of Alaska come true. That individual was Ted Stevens.

Ted practically ran the effort from start to finish as soon as he arrived in Washington. He had a plan, and he put it into operation. It produced a groundswell of support that became so powerful there was just no stopping it. Soon President Eisenhower had signed the necessary legislation and Alaska had become our 49th State.

For most people, that would have been enough. But it wasn't enough for Ted. Ted didn't know what life had in store for him, but he knew where he would be taking the next steps in his life—back home in Alaska.

After a series of twists and turns, Ted became one of Alaska's Senators. He was a tremendously effective Senator, and his reputation grew over the years as a tireless worker who wouldn't take no for an answer when it involved one of his State's priorities.

Ted and I were able to forge a good working relationship and a friendship that meant a lot to us both. We understood each other and more often than not, we supported each other's legislative priorities. Wyoming is a lot like Alaska, so that may explain why Ted and I got along so well.

Wyoming is a large State with a relatively small population. So is Alaska. Wyoming is blessed with an abundance of natural beauty. So is Alaska. The people who call our States their home are strong, independent and proud—proud of their past, confident of their future, and well aware of how blessed they are to be Americans. I think that comes from the placement of our States. It took people with a sense of adventure and a willingness to put up with a great deal of difficulty and an abundance of hardship to travel the miles it took for them to get to Wyoming and later to travel North to Alaska.

In the years to come, whenever I remember the days I spent with Ted, I will think of the words of the old adage

that reminds us that the most important inheritance we receive from our friends, family and those we care about is found in the memories we will always carry with us of the special days we shared with them. For me, I will always remember the times I spent away from the Senate doing what Ted and I most loved to do: enjoying the great outdoors with a fishing rod in our hands. If you are from Wyoming or Alaska, I do not think you can find a bad fishing spot anywhere in those two States.

That is how Ted got a lot of us to his beloved Alaska year after year. He was always talking about his Kenai Tournament and the chance it gave everyone to see the sights of Alaska and get a little break from the rigors of the Senate. It was a great fishing tournament, but it was also a chance for us to help Ted raise some needed funds that were used to improve the habitat of the salmon that had the good sense to live there.

God must have needed a good man. I know we all miss Ted. When he wore his Hulk tie, you knew things were about to happen and happen fast. This memory makes it feel like he is never far away. Diana joins in sending our sympathy to Catherine and all his family. The Stevens family can be very proud of the difference they made together over the years and of the legacy they will proudly carry of service and an unwillingness to ever think any task is impossible, no matter how difficult the struggle.

I cannot help but think God needed someone with Ted's abilities to have taken him from us. I take some comfort in the knowledge that Ted was doing those things he dearly loved right up to the end. He was flying around his beloved Alaska and heading to a lodge to catch up on a little fishing when his plane went down.

In the days to come, whenever I am with my grandson and we both look up at the sky with the awe and wonder it inspires, I will remember the words of the Eskimo proverb that speaks to the reason why the beautiful lights in the sky shine so brightly at night. As legend goes: Perhaps they are not stars but, rather, openings in heaven, where the love of our lost ones pours through and shines down upon us to let us know that they are happy.

I do not know if there is fishing in heaven, but if there is, I know Ted must be up there somewhere waiting patiently for a nibble and the chance to reel in another prize winner. I can almost see him there, fishing rod in hand and a smile on his face. If that is what heaven has brought to Ted, I have no doubt he will be happy forever because it does not get any better than that.

Mr. INOUYE. Mr. President, I rise to laud the life and work of the Honorable Ted Stevens, Senator from Alaska. Ted was a fellow World War II veteran and my partner in the Senate who fought hard on behalf of Alaska and this great Nation.

When it came to policy, we disagreed more often than we agreed, but we were never disagreeable with one another. We were always positive and forthright.

We shared a bond in that we believed it was our mission to ensure that Hawaii and Alaska were not forgotten by the lower 48 and our efforts were constant reminders of the economic and international importance of the Pacific.

Our beloved Ted was much more than the Senator of Alaska, much more than a fighter and an advocate and an example of what bipartisan effort can accomplish. Ted was a father, grandfather, and loving husband who put his family before everything else. We have lost a great man, and I join my colleagues in mourning his passing.

Mr. President, recently in meeting with the Librarian of Congress, Dr. James H. Billington, our chat focused upon Senator Ted Stevens. I learned that on August 14, 2010, Dr. Billington had written a special tribute to Senator Ted Stevens. Yesterday, I received a copy of this tribute and I wish to share it with my colleagues.

Our beloved Ted was much more than the Senator of Alaska, much more than a fighter and a brilliant parliamentarian. This tribute says something about him and his impact on Alaska and the world. I thank Dr. Billington for his heartfelt tribute to our great friend and colleague.

Mr. President, I ask unanimous consent to have Dr. Billington's tribute printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A TRIBUTE TO SENATOR TED STEVENS

(By James H. Billington, The Librarian of Congress, Aug. 14, 2010)

Just a few years ago, at the end of a particularly exhausting week in the Senate, Ted Stevens took an overnight flight to open a Library of Congress exhibit for the 300th anniversary of St. Petersburg. He insisted that I take his comfortable seat on the way over; and he flew back rapidly—leaving me well-rested for follow-up and the Russians in awed admiration of his age-defying journey to a distant cultural event of symbolic and even political importance.

This small memory came back to me just a year ago when I was back again in St. Petersburg. I was waiting to speak after Russian President Medvedev at the dedication ceremony of a great Petersburg palace that had been refashioned into the central building of a new library system for Russia modeled in many ways on the Library of Congress. I think my subconscious was reminding me that neither I nor the Library would probably have been in the picture without the varied ways that Ted Stevens quietly helped the Congress' library undertake new initiatives for our country—during and beyond his many years as Chairman and Vice-Chairman of the Joint Committee on the Library of Congress.

Senator Stevens played a key role in bringing into being within the legislative branch of government three important innovations for sustaining long-term American leadership in the world. Each of them had from the beginning bipartisan, bicameral support, and have been implemented in cooperative collaboration with the executive and judicial branches.

1. He championed a special $2 million grant to the Library in 1999 to create a bi-lingual, online library of primary documents comparing the parallel experiences of Russia and America as continent-wide, multi-ethnic nations. This visionary, one-time appropriation (which we had not requested in our budget submission) enabled the Library to attract unprecedented in-kind support from 36 Russian repositories and to put online three-quarters of a million rare Russian items. This experience has helped equip us more recently to launch a multi-lingual World Digital Library with private support and the endorsement of UNESCO.

2. Senator Stevens was an early advocate and continuous supporter of The Open World Leadership Program, the first international people-to-people exchange ever created and administered within the legislative branch of our government. For eleven years it has enabled more than 15,000 emerging young leaders from Russia and other states of the former USSR to experience democratic governance in action in local communities across America. Senator Stevens was and remained active and engaged as the Honorary Chairman of its Board of Trustees.

3. At a very busy time late in the year 2000, Senator Stevens devoted an entire Saturday to discussing at his home the national need for preserving important information that was increasingly available only in highly perishable digital form. He proceeded to take the lead in creating the still ongoing National Digital Information and Infrastructure Preservation Program that has enabled the Library of Congress to work with 170 partner repositories throughout America to conserve immense amounts of digital material.

Ted Stevens rarely mentioned and never stressed his own role in any of these programs. He repeatedly and rightly credited the contributions of other colleagues and of the Congress itself. He was respectful and supportive of those in public service implementing these and many other long-range national programs.

At this sad time, all of us at the Library specially and gratefully remember his help in creating unique and challenging new programs within America's oldest federal cultural institution. I mourn the passing of a deeply admired friend. He was an unforgettable man of action and a dedicated public servant—not just for his beloved Alaska, but for all of America and our long-term future in a changing world.

Ms. MURKOWSKI. Mr. President, on the morning of Tuesday, August 10, in Alaska, in Washington, and around the world, time seemed to stand still. It was then we received word that a floatplane carrying our beloved Senator Ted Stevens had gone down in the remote Bristol Bay region of western Alaska. Senator Stevens traveled to that area, as he did practically each summer for decades, to pursue one of his dearest passions—fishing.

Along with Senator Stevens on that flight were several of his closest

friends. Sean O'Keefe, the former Administrator of the National Aeronautics and Space Administration; Jim Morhard, who came to the Senate in 1983 as an aide to Senator Pete Wilson of California and retired in 2005 as chief of staff of the Senate Appropriations Committee; Bill Phillips, a distinguished Washington lawyer and former chief of staff to Senator Stevens was on the flight; as was Dana Tindall, one of Alaska's best and brightest who made a career of bringing 21st century telecommunications technology to our vast territory. Three of their children were on the trip as well: Sean's son Kevin, Bill's son Willy, and Dana's daughter Corey. The pilot was Theron ''Terry'' Smith, an accomplished aviator who retired as chief pilot after 25 years with Alaska Airlines in Anchorage.

When it became apparent that the floatplane was overdue en route to a remote fishing camp, a massive search was quickly mobilized. The wreckage was located and, thankfully, there were survivors.

Sean and his son Kevin, Jim Morhard and Willy Phillips survived the crash. We pray for their swift and full recovery.

At the same time our hearts dropped at the news that the crash claimed the lives of Senator Stevens, Bill Phillips, Dana Tindall, her daughter Corey, and pilot Terry Smith.

At a later time I will have more to say about the distinguished careers of Bill Phillips, Dana Tindall, and Terry Smith, as well the lost promise of Corey Tindall, a champion debater at South High School in Anchorage and an aspiring doctor.

I will also have more to say about the heroes that responded to the crash site. That story begins with the Good Samaritan pilots who located the wreckage, Dr. Dani Bowman, and local first responders who were brought in by helicopter—they cared for the survivors and the dead in poor weather through a long night awaiting rescue—the elite Alaska National Guard and Coast Guard search and rescue teams that accomplished the rescue, the medical teams in Anchorage that tended to the survivors.

Today, I would like to devote a few moments in memory of my mentor, a man who stands tall among our Senate family as one of the truly great Senators of all time, my dear friend, Ted Stevens.

It would take days and days to enumerate all of Senator Stevens' accomplishments in this body over the course of 40 years. The Senate began the process of chronicling Senator Stevens' place in history in S. Res. 617, which was enacted on August 12. Our colleagues will fill in the details in the coming days.

Let me digress for a moment and extend my deepest appreciation, and that of the Stevens family, to our colleagues and the staff—all of those who pulled out the stops—to ensure that S. Res. 617 could be enacted during a brief lull in the recess. The resolution was presented to the Stevens family following the funeral in Anchorage. It was well received.

So how to summarize the remarkable career of Ted Stevens in a few moments. Ted Stevens was the longest serving Republican in the Senate's history. He served as President pro tempore and President pro tempore emeritus. He was the assistant Republican leader. At various points during his career he chaired the Appropriations Committee, the Committee on Commerce, Science and Transportation, the Committee on Governmental Affairs, the Committee on Rules and Administration, and the Senate Select Committee on Ethics. He was involved in numerous other leadership roles.

He was a dear, dear friend of our men and women in uniform. In the early 1970s he helped to bring an end to the draft and encouraged the All Volunteer military force. He worked diligently to ensure that service members were compensated fairly, that their benefits were not eroded, and that they received the best health care.

A family man always, he was deeply concerned about the length of time that service members were separated from their families. And when service members returned from Iraq and Afghanistan suffering from PTSD and TBI, he ensured that funds were shifted from lower defense priorities to address these immediate concerns. He used his key position on the Defense Appropriations Subcommittee to make this all happen.

During his more than 40 years in the Senate he traveled to visit with service members on the battlefield. He visited Vietnam, Kuwait, Bosnia, Kosovo, Iraq, and Afghanistan. On those trips he spent time with those in the lowest ranks, asking whether they had the right equipment, how the food was, and how their families back home were coping.

Although he will long be remembered as a tireless advocate for the responsible development of Alaska's abundant natural resources, his friends and even his foes readily admit that he leaves a substantial conservation legacy. He was key to the compromise that led to the enactment of the Alaska National Interest Lands Conservation Act, a leader in fishery conservation through the Magnuson-Stevens Fishery Conservation and Management Act and the High Seas Driftnet Fisheries Enforcement Act.

He was a champion of the Olympic movement, a champion of physical fitness, a champion of amateur athletics. He played a significant role in ensuring that female athletes could compete on a level playing field with their male counterparts. He was one of the best friends public broadcasting could possibly have in Washington. He championed family friendly policies for America's civil servants. These are some of his legacies to the Nation.

But to many Alaskans he was known simply as ''Uncle Ted.'' And it was not just for the Federal dollars he brought to the State of Alaska, the energy facilities, hospitals and clinics, roads, docks, airports, water and sewer facilities, schools and other community facilities, although these were substantial.

The Almanac of American Politics observed, ''No other Senator fills so central a place in his state's public and economic life as Ted Stevens of Alaska; quite possibly no other Senator ever has.''

Truth be told, Ted Stevens was known as Uncle Ted because so many Alaskans viewed him as a friend of their own Alaskan families. Alaskans treasure the photographs and the letters that Senator Stevens sent them. Some of those photographs and letters were decades old, yet treasured keepsakes.

He gave Alaska's young people an opportunity to intern in Washington, inspiring many careers in public service. I am proud to be one of those interns. He hired many young Alaskans, once they graduated college, as junior staff members. He encouraged the best to go to law school and then brought them back as legislative assistants and committee staff. Many went on to accomplish great things in their chosen fields.

In the aftermath of Senator Stevens' death, hundreds upon hundreds of Alaskans lined the streets of Anchorage bearing signs that read, ''Thank you, Ted'' as his funeral procession drove by. Makeshift memorial services were conducted in Alaska's Native villages.

Why did Ted Stevens' loss shake Alaska so hard? The answer is simple. For generations of Alaskans he had been their Senator for life. Ted Stevens became Alaska's Senator less than 10 years after Alaska was admitted to statehood. I was 11 years old when he first came to the Senate.

In so many respects, his elevation to the Senate in 1968 was the culmination of a career of service to Alaska that began in the 1950s. It was, if you will, his second career of service to the people of Alaska.

Ted's first career began when he was named the U.S. attorney in Fairbanks. In a 2002 speech to the Alaska Federation of Natives, Ted recalled that this position gave him the opportunity to carry out President Eisenhower's commitment to equal rights for everyone. He traveled throughout the area requesting business owners to take down signs that read, ''No Natives Allowed.''

Ted then moved to Washington to serve as legislative counsel in the Interior Department. He played a key role

in the enactment of the legislation that admitted Alaska as America's 49th State.

He helped draft that section of the Alaska Statehood Act which committed the Federal Government to the settlement of the Alaska Native land claims. After leaving the Interior Department he opened a law practice in Anchorage. Among his clients was the Native Village of Minto. The State of Alaska was about to select Minto's traditional lands in advance of a land claims settlement. Senator Stevens took on Minto's case pro bono. He invited Alaska Native leaders to his home to explore strategies for a more comprehensive settlement of Alaska Native land claims.

Ted Stevens could not have guessed at that point that he would join the U.S. Senate and have the opportunity to make the dreams of Alaska's Native peoples a reality.

That was the first order of business when Ted came to the Senate. He began work on the Alaska Native Claims Settlement Act in 1969 and on December 18, 1971, the dream that Alaska's Native people would hold title to their ancestral lands became a reality.

This December marks the 39th anniversary of the passage of the Alaska Native Claims Settlement Act—ANCSA. That landmark legislation returned some 44 million acres of land to Alaska's Native people and created the regional and village Alaska Native Corporations.

ANCSA led to a resurgence in Native pride and self-confidence. It gave our Native people unparalleled opportunities to lead. It has proven a valuable legacy for the continuation of Alaska Native culture through the generations.

Senator Stevens played a significant role in bringing Alaska's Native people together to create today's great institutions of Indian self-determination. The Alaska Native Tribal Health Consortium and the Southcentral Foundation, which together operate the Alaska Native Medical Center in Anchorage, are just two examples.

The Alaska Native Medical Center, Alaska's only certified level II trauma center, has earned national recognition for the quality of its nursing care. It is connected through innovative telemedicine technology to regional Native medical centers in rural Alaska and clinics at the village level. None of this would be possible without Senator Stevens' leadership.

Senator Stevens deplored the Third World conditions that stubbornly persisted in rural Alaska, threatening the health of Native children. He helped build showers and laundromats in rural Alaska—we call them washeterias—and he helped construct water and sewer facilities so that our Native people did not have to haul their waste to an open dump site. I am sad to say that this work is far from done. There is that last 25 percent or so that remains to be done.

It is often said that a society is judged by the way it treats its most vulnerable members. It is appropriate that we judge the character of our elected officials in the same manner. In Alaska, our Native people are the most vulnerable. For decades, Alaska's most vulnerable people have had no better friend than Ted Stevens.

As I noted in my response to Ted's farewell speech on November 20, 2008, ''When I think of all of the good things, the positive things that have come to Alaska in the past five decades I see the face and I see the hands of Ted Stevens in so many of them.''

Not just in rural Alaska but throughout Alaska I think of Senator Stevens whenever an F–22 takes flight from Elmendorf Air Force Base. I think of him when I drive through the front gate of Eielson Air Force Base, which was spared from the 2005 BRAC round largely through his leadership. His face is in the new VA Regional Clinic in Anchorage and in the Community Based Outpatient Clinic in the Mat-Su Valley. I think of Ted when I am fishing on the Kenai River and all of his efforts to help with conservation and restoration of this world class river. These are just a few of Senator Stevens' contributions to Alaska. There is so much more.

At the close of his farewell remarks to the Senate, our friend Ted, told us that he had two homes: ''One in this Chamber, the other his beloved State of Alaska.'' He closed his remarks with the phrase, ''I must leave one to return to the other.''

How prophetic. For on the afternoon of August 9, a cold and gloomy day, yet the kind of day when fishing is great, the Lord called our friend Ted Stevens from Alaska to yet a third home.

Ted's departure leaves a tremendous hole in the hearts of the people of Alaska, a hole in the collective hearts of his Senate family, and a hole in my heart that will take a long time to heal.

On behalf of a grateful Senate and a grateful American people, I extend condolences to Ted's wife Catherine; to his children Susan, Beth, Ted, Walter, Ben and Lily, and to all of the grandchildren.

As our friend, the late Senator Robert Byrd, knew and often recounted on the Senate floor—of all of the things that brought Ted Stevens joy, his family brought Ted the greatest of joys. In Ted's words, his family gave him the kind of love, support, and sacrifice which made his 40-year career in the Senate possible and gave it meaning. We thank Ted's family for sharing this remarkable man with Alaska, the Senate, and the Nation.

Thank you, Ted. We will never forget you.

Mr. LEAHY. Mr. President, for 34 years in the Senate it was my privilege and honor to serve alongside Senator Ted Stevens of Alaska. Today, I would like to pay tribute to Ted, a dedicated public servant, a respected lawmaker, and a man I was proud to call my friend.

Ted Stevens loved this country, and he dedicated nearly his entire life to public service. He served as a pilot in World War II, as a U.S. district attorney, as a senior member of the U.S. Interior Department, and as a U.S. Senator. Ted loved his State. In fact, he assisted in its birth as a State. During his more than four decades in the Senate, he was an unrelenting and unabashed advocate for Alaska and its people. I know no other Senator who has filled so central a role in their State's public and economic life as did Ted Stevens. He was a man many Alaskans knew simply as ''Uncle Ted.''

The fight for Alaskan statehood was Ted's principal work at the Department of the Interior, and, over time, he developed another appropriate nickname: ''Mr. Alaska.'' After leaving Interior, Ted returned to Alaska and was elected to the Alaska House of Representatives in 1964. In 1968 he was appointed to the U.S. Senate, and today he remains the longest serving Republican Senator in history.

In the Senate, he was a tough negotiator and a savvy legislator, but he was always fair. He was an old-school Senator, and he kept his word. During the challenging years after statehood, Ted helped transform Alaska, playing key roles shaping the State's economic and social development. A staunch defender of the Alaskan way of life, he championed legislation to protect the fishing industry, to build the Alaska oil pipeline, to protect millions of acres of wilderness area, and to address longstanding issues surrounding aboriginal land claims. While he and I have not agreed on some issues, I have never questioned his commitment to do what he believed was right for his State and its people.

I know it can sound repetitive when people hear Senators make remarks such as these about our colleagues. But I think it is important for the public to know that despite all the squabbling that goes on in Washington, there is the deep respect, affection, and caring that goes on among the Senate's Members, who work side by side and day by day on the Nation's business and on the concerns of their constituents.

I was last with Ted at Bob Byrd's funeral. I had asked him if he would sit with me because we had not seen each other for a while and it gave us a chance to get caught up. I told him again how much his friendship meant to me and how much I missed him in the Senate. We talked about the number of pieces of legislation we had worked on together and both spoke of Ted being part of the old school of Senators—those who always stuck with

agreements they had made and our concern that was not the way some were today. It was a sad day being at a memorial service, but it was a special day being with Ted.

Ted was a statesman, a public servant, and one of my closest friends in the Senate. I consider myself fortunate to have known him and served with him.

Marcelle and I wish Catherine and all his family our best wishes.

Mr. BUNNING. Mr. President, today I rise to pay tribute to Senator Ted Stevens, who will be laid to rest today at Arlington National Cemetery. Unfortunately, Senator Stevens was taken from us on August 9 of this year, but his legacy will live on through the countless lives he touched during his distinguished career in public service.

Senator Stevens will be missed by so many because of the tenacity he displayed fighting for his beliefs. This began when he volunteered for the Army Air Corps during World War II, where he supplied Chinese forces as they defended their country from Japanese invasion. For his heroism, Ted Stevens received the Distinguished Flying Cross and the Air Medal.

Senator Stevens took this same tenacity to the Senate where he served the people of Alaska for over 40 years. It is largely because of Senator Stevens that many Alaskans gained access to clean drinking water and their children received a quality education. Finally, Senator Stevens fought to create an oil pipeline that put thousands of Alaskans to work and provided affordable energy for this Nation. These accomplishments are just a sample of the many issues that Senator Stevens championed during his long career.

By the time I came to the Senate in 1998, I knew Ted Stevens was an outstanding legislator, but over the next 10 years, I learned so much more that defined his character. I found that Ted Stevens was one of the most sincere members of this Chamber. No matter what the issue, I could always count on Senator Stevens to speak with frankness and honesty, two traits that are sorely lacking in the modern Senate.

I also learned that despite his dedication to the Senate, he always put family first. Senator Stevens was the father to six children, and although there is over 4,000 miles that separates Alaska from our Nation's Capital, he always made time for his wife and children. I realize my words are little consolation to his wife Catherine or the rest of his family, but I hope they know Mary and I are grieving with them as they cope with the loss of this model family man.

The Senate was blessed to have Ted Stevens as one of its Members. His countless accomplishments guarantee him a prominent place in the pantheon of American history. I was fortunate to have him as my colleague for over 10 years, but even luckier to have him as a friend.

Mr. BOND. Mr. President, today, I rise to pay tribute to not only a giant of the Senate, a hero to Alaska, and a war hero, but also someone I counted among my valued friends, and a true mentor—Ted Stevens.

When I first heard the news about Ted's death, I was shocked and saddened. Today, the loss of my dear friend is no easier to bear, and I know many of my colleagues here feel the same.

Later today, we will lay to rest this giant of the Senate, but I first want to say a few words about my friend Ted.

Much has been said about Senator Stevens' sometimes grouchy and intimidating demeanor. But if you took the time to look past the Hulk ties, the scowling countenance, the vigorous defense of any and all attacks on Alaskan priorities, and the cowed staff who feared they had fallen on the wrong side of the esteemed senior Senator, you saw another more compassionate—some would even say softer side.

I was a lucky beneficiary of that softer side, which changed the course of my time here in Washington.

When I first arrived in Washington, DC, in 1987, my son was entering first grade at the same time as Ted's beloved daughter. Sam and Lily became fast friends, and, lucky for me, so did their parents.

Over the years, Ted and Catherine were very close friends of ours and like godparents to Sam.

Anyone who knew Ted well knew how important his family was and the high value he placed on his children and their friends. He was truly a most kind, gentle, and readily approachable father, uncle, and godfather.

His concern about others' children and family members was equally heartfelt. As he exercised his many leadership roles, Senator Stevens' was always willing to take our family obligations into account. He realized how important it is to schedule time for our families in the chaotic, hectic life we lead in the Senate.

In addition to the close personal friendship I enjoyed with the Stevens family, I had the opportunity to work closely with Chairman Stevens as a member of the Senate Appropriations Committee. As chairman, Ted was solicitous of the concerns of even his most junior members. He was also a devoted friend of his partner—sometimes ranking member and sometimes chairman—Senator DAN INOUYE.

Ted was a very passionate defender of the Appropriations Committee, its prerogatives, and its responsibilities. Woe unto the person who attacked the appropriations process or the work that he had done. We could use more of that wisdom around here today.

As former President pro tempore and the longest serving Republican Member of the U.S. Senate in our country's 230-year history, Ted was a faithful and dedicated leader of the Senate.

But Senator Stevens' influence extended far beyond the Senate to Alaska, the Nation and the world.

Many of the accomplishments of the Senate over the last 4 decades bear the mark of Ted Stevens.

As a war hero himself, Ted was tireless in his leadership to secure a strong military—and funded a strong personnel system, the most needed, up-to-date equipment and the most promising research. The current strength and superiority of the U.S. Armed Forces is due in no small part to Senator Stevens.

He was a leader in the natural resources, transportation issues, and climate change issues important to all of America but that particularly affect his home State.

Ted was passionate about Alaska—its natural beauty, its people, its needs, and its fishing. Many of us have enjoyed traveling to Alaska with Senator Stevens and discovering firsthand the treasures it has to offer.

The many roads, parks, and buildings named for him are but a hint of all he has done for the State. His contributions are extensive and lasting, from improving the infrastructure to safeguarding the wildlife and natural resources Alaska has in abundance.

Alaskans rightly dubbed the Senator the ''Alaskan of the Twentieth Century.''

It was a tremendous honor and privilege to serve with Ted Stevens.

Mr. SHELBY. Mr. President, I rise today to pay tribute to our colleague, our friend, and a great statesman, Senator Ted Stevens.

It is a somber day in the Senate Chamber as we continue to mourn his loss.

Senator Stevens' service to our Nation began during his military service during World War II as a ''Flying Tiger,'' and spanned six decades.

During his 41 years in the Senate, Senator Stevens has been chairman of four full committees and two select committees, assistant Republican whip, and the President pro tempore Emeritus.

As one of the most effective Senators, Senator Stevens was an ardent supporter of our national defense, serving as either Chairman or Ranking Member of the Defense Appropriations Subcommittee from 1980 to 2005. A champion of our Armed Forces, he ensured that our servicemembers have the equipment, training, and pay necessary to be prepared to take on those who threaten our national security.

Senator Stevens was not only my distinguished colleague but someone I considered a friend. He was a man of purpose whose life touched all those with whom he came in contact. His commitment to the people of Alaska

was remarkable, making him a legendary advocate for the State. No one has done more for Alaska than he did. His many contributions to both Alaska and our Nation will not soon be forgotten.

He will be remembered as a dedicated American, World War II warrior, a public servant, and the quintessential American statesman who gave so much of his life in service to the Nation.

I offer my thoughts and prayers his family and friends during this difficult time.

Mr. CHAMBLISS. Mr. President, I rise today to honor the life and commitment of Senator Ted Stevens to the State of Alaska and to our Nation.

As we all know, Ted joined the military at a young age and served his country with honor in World War II.

He earned his Army Air Corps wings in 1944 and served in World War II as a member of the Flying Tigers, for which he received the Distinguished Flying Cross.

Two friends of mine from Georgia who served with the Flying Tigers knew Ted during those days. When they shared with me stories of those times, they always spoke fondly of Ted.

Several years ago, I attended a funeral of a family member of one of our Senate colleagues on the west coast. A few other Senators were in attendance, but not many. One of those nights we stayed up late and started talking about life, and Ted told us he always attended the funerals of colleagues and their loved ones because when his first wife was tragically killed in a plane crash, those colleagues who took the effort to make the trip up to Alaska to attend her funeral meant so much to him.

That is the type of person Ted was—he was loyal to the State of Alaska, his Nation, and to his colleagues.

Ted and I also worked closely on defense issues and he was a good ally to have in those battles.

He was a good friend and an esteemed colleague who served with distinction in the Senate.

Ted will be remembered for his passion and his many, many years of service to his constituents.

Mr. LEVIN. Mr. President, today one of the most enduring figures in this Nation's political history and the history of this Chamber will be laid to rest at Arlington National Cemetery. For more than half a century, it was almost impossible to discuss the State of Alaska without discussing Theodore Fulton ''Ted'' Stevens.

Like many, Ted Stevens came to Alaska from elsewhere, searching for opportunity to serve. Few succeed as well as he did. He was named a Federal prosecutor just months after he arrived in Alaska in 1953—meaning his public service to Alaska predated its statehood. He was a key figure in the drive for statehood. He served in the State legislature before coming to this Chamber in 1968.

Over the next four decades, he became one of the most influential Senators of the 20th century. Alaska was a young State with a small population, but that did not stop Ted Stevens from advocating forcefully and effectively on his State's behalf. He became the longest serving Republican in the history of the Senate, and the State he fought for became a huge beneficiary of his service.

He was a World War II veteran and a devoted family man. History will remember him as one of those present at the founding of Alaskan statehood and a longtime servant of the State. Barbara and I know that the memory of Ted Stevens' long and full life will relieve the sadness of his family, his constituents, and his multitude of friends at his passing.

Mr. ROBERTS. Mr. President, I have just returned from the interment services for our colleague and our friend, the Senator from Alaska, Ted Stevens.

I must say it should be pointed out that our Chaplain, Chaplain Black, gave a marvelous eulogy during the graveside services that was poignant, elegant, and I know in regard to helping the family with solace and poignancy, he had no equal. He simply was absolutely marvelous. He described Ted Stevens as a ''force of nature''—which I think was a rather appropriate description, depending on your description of a force of nature—and as a person who always made him laugh. Well, it is difficult to try to figure out how to eulogize a person of Ted's stature, someone who has done so many different things. So you have to sort of segment, it seems to me, your own personal relationship with Ted and do the best you can to grasp this unusual man and describe him.

I was a Member of the House when I first met Ted Stevens. It was at a Republican retreat years ago. In expressing his opinion, he was obstreperous, if not outrageous, regardless of any other person's point of view. To say he was both unique and memorable is an understatement—a force of nature, indeed, perhaps a wandering tornado, if you will, with a poststorm rainbow of ideas.

I came to the Senate back in 1996. It didn't take long for Ted Stevens to burst into my—up to that point—relatively routine senatorial life. He jabbed his finger on my chest and said, ''I know who you are.'' I responded, ''Well, I sure as hell know who you are.'' He said, ''You allegedly know something about agriculture.'' I said, ''Well, thank you,'' and he interrupted and said, ''You serve on Armed Services and Intelligence?'' I said, ''That's right.'' He said, ''How would you like to go to the Russian Far East with me and Danny and some others?''

I thought to myself, Why on Earth would I want to go to the Russian Far East?

He said, ''We are going to Khabarovsk, and then we are going to Vladivostok.'' But that's out there where the Cossacks went over the steppes of Russia. ''Then we are going to meet with the admiral of the Russian navy, and Vladivostok is closer to Alaska than to Moscow. I know him,'' said Ted. ''Then we are going to go to South Korea to indicate our strong support. But then we are going to be the first delegation allowed into North Korea, Pyongyang.''

Well, that got my attention. He said, ''That is why I need to have you come along, because if we can arrange a third-party grain sale, there are things that we can do in North Korea to at least establish a relationship.''

I thought, what a unique idea, using agriculture as a tool for peace, if you will—or at least a fulcrum to change the relationship with North Korea. I said, ''Well, sure, I will sign up.''

That began a personal and meaningful relationship with Ted and Catherine and their family with Franki and our family that lasted during the duration of my career in the Senate until his untimely death weeks ago.

He said, ''I understand that you are a newspaper guy.'' I said, ''Yes, and?'' He said, ''You could be the scribe in regard to our CODEL.'' I might add that any CODEL you went on with Ted Stevens, you always had a T-shirt afterward saying: ''I survived CODEL Stevens.'' You could—and I did—end up at the South Pole. So I was known as the Stevens CODEL scribe.

In any case, we went to Khabarovsk and Vladivostok. We talked to that admiral, who felt closer to Ted Stevens than he did his own Russian Government, and we went to Sakhalin Island. Ted was trying to work out some kind of arrangement where American oil companies could explore and develop the tremendous oil reserves there and have a contract that meant something with Russia. It was there that Flying Tiger Ted learned about saber-toothed tigers that were allegedly actually still alive in that part of the world. It is a wonder he didn't schedule a hunting trip.

Then we went to South Korea and eventually into North Korea, and it was the first delegation allowed into that theocratic time warp. We left everything on the plane. We stayed at an alleged VIP headquarters—no heat, very cold, just North Korean TV with 24/7 military parades and martial music.

That night the discussion had gone on and on and on. We had hoped to meet with Kim Jong Il. That was not possible, so he sent two of his propaganda puppets to meet with us. We had permission from the Treasury to waive certain requirements so that we could

arrange for a third-party grain sale to assist North Korea, which goes through a famine every harvesting year. It would have been at least a start.

So you had Ted and DANNY INOUYE, two World War II veterans, who told the North Korean delegation it was time to make Panmunjon a tourist attraction. Ted finally had it and said, ''Knock off the BS. I know you understand English. Let's get to the bottom line.'' The bottom line was that they could not do anything in terms of policy. They were there to make an intelligence estimate, and it was a lost opportunity at that particular time. The leadership effort by Ted Stevens didn't pan out, but not for the lack of trying.

On another CODEL we landed at 11 and got to the hotel at about midnight. Ted was a great connoisseur of military history and movies. He was a great devotee of the series ''Band of Brothers.'' So we were playing Band of Brothers to staff and to all present. This is at 12:30 at night, going on to 1, 1:30. We had fought and died with episode five; we were going to episode six. I looked around, and all the loyal staff were asleep; all Members were still there and were asleep. I was having a hard time keeping my eyes open. I looked over at the great man, and his eyes were closed. I thought he was asleep, so I got up and started to turn off the television. As I reached for the power button, he said, ''This next part is the best part.'' He was not watching it; he was listening to it because he had seen it at least three times. Well, needless to say, we saw episode six in its entirety. Thank the Lord, we didn't go to episode seven. We would have been there all night.

Some years ago, I was present for the ceremonies in Alaska when Ted was named the ''Alaskan of the Century.'' How on Earth could a sitting Senator, or anybody, get overwhelming citizen support and approval and accolades from his State and be named ''Alaskan of the Century''? Ted did. I was there to allegedly roast him. There was a great crowd. Facts and records are stubborn things. He was and is still today the ''Alaskan of the Century.'' What he did and what he accomplished in the making of our 49th State was simply remarkable. By the way, the Federal Government still has not made good on many promises they made to Ted when he worked so hard and diligently to make Alaska a State.

At any rate, he flew in, during that ceremony, on a World War II plane. He had his combat jacket. He came in with Catherine and they took their places on very posh chairs. I will quote what he said time and time again to the people of Alaska: ''The hell with politics; let's do what's good for Alaska.''

I will add this: The country and our national defense and every man and woman in uniform owe this man a great debt.

When you come to this body and you come to public service, you know you risk your ideas, your thoughts, your hopes, and your dreams before the crowd. Sometimes the crowd says yes, and you have friends who will stand behind you when you are taking the bows. Then perhaps something happens in your life and you suddenly become a lightning rod for accusations; you wonder where your friends are, who will stand beside you when you are taking the boos, not the bows. The lightning rod was fast, furious, and egregious, especially considering the man, his accomplishments, and integrity.

In Washington, when there is crisis and chaos and big-time problems, many are called but few are chosen. When the chips were on the table, we chose Ted. As chairman of the Senate Appropriations Committee, he headed up the posse that decided the Nation's spending priorities. What a tough job. It was a tough job then, and it is even tougher today. But he did a heck of a job. For, you see, Members of Congress are a lot like someone suffering from the flu, an insatiable appetite on one end and no sense of responsibility on the other.

They said: Ted, Ted, I know we have to meet our budget caps, but this program is really important to me. My program is an investment, not a cost.

Somehow, someway, the chairman has to wade through all of the demands of his colleagues, try to meet the ever changing and growing needs of our Nation at an unprecedented time of economic challenge, and through all of it, then he must fulfill our obligations to guarantee our national security and to the many entitlement programs we are very reluctant to reform in this body and the other body and to which we Americans seem to think we are entitled. It is like herding cats, big cats with saber teeth, just like those up on Sakhalin Island. In the doing of this, Ted Stevens was surrounded by many colleagues good at proposing more spending on existing programs and new programs to boot and those who look at any spending increase with a gleam in their eye and the tools of a stonecutter.

There are few, however, who can measure value, and that is what Ted did. Just at the time he thought he could make both ends meet in behalf of Alaska and our Nation, someone moved the chains. To his critics—and there were many—the old saying ''a penny for your thoughts'' may be a fair evaluation of their contribution. The wheels of progress are seldom turned by cranks, critics, or, in Ted's case, a howling pack of wolves.

Today, both political parties are having trouble looking beyond their ideological fences. Ted Stevens was a bipartisan fence-mender while riding herd on all of the strays. How on Earth did he do this? How did he persevere throughout an ordeal that would have best the best of men?

Abraham Lincoln defined duty in this way:

> I do the very best I know how, the very best I can, and I mean to keep doing so until the end. If the end brings me out all right, what is said against me will not amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference.

During Ted's memorial service in his beloved Alaska, Vice President BIDEN's tribute was truly eloquent, personal, and pertinent. Others spoke with equal meaning. But it was Senator DANNY INOUYE, his best friend, who brought thousands to their feet at this service, clapping for minutes when he said: ''We all knew he was innocent.'' So did 10 angels and those who knew him best, and I think Ted heard them both.

Thank you, Catherine and Ted's family, for sharing him with us, and, as Vice President BIDEN said so well, we will not see the likes of him again.

Mr. CONRAD. Mr. President, I want to take a few minutes today to recognize our late colleague, Senator Ted Stevens.

Ted Stevens was a fighter. He fought for his State and his country every day here in the U.S. Senate. As a former military pilot and recipient of the Distinguished Flying Cross, Senator Stevens was a champion for the military here in the Senate. And he fought for the prerogatives of this institution, sometimes taking on politically unpopular causes to make the Senate stronger.

All of my colleagues will remember when Ted Stevens managed legislation. He would put on his ''Incredible Hulk'' tie, his best scowl to deter Members from offering amendments, and dare anyone to get in the way of passing his bills.

Ted knew Alaska inside and out, and he did everything he could to make his State a better place for future generations of Alaskans. He recognized that in isolated, rural States the Federal Government was sometimes the only entity capable of truly transforming the lives of individuals and the prosperity of communities.

And he recognized that other states sometimes faced similar circumstances.

I will never forget the role Ted Stevens played during the Grand Forks flooding of 1997. The Red River overtopped the levee that year and covered most of the city, including all of downtown. And the flooding caused a major fire in the historic downtown, further devastating the community. At the time, the evacuation of Grand Forks was the largest evacuation of a city since the Civil War.

In the aftermath, the city could have accepted a diminished future. It could have watched people leave and reemerged as a shadow of its former self. But it did not. The city's leaders pledged to rebuild. And the North Dakota delegation went to work here in

the Congress to secure Federal assistance to help make that vision a reality. We quickly concluded that community development block grant funding would be the best source of assistance because CDBG money is very flexible and could be used to meet the city's highest priority needs. Unfortunately, the Appropriations Subcommittee chairman at the time was adamantly opposed. He simply refused to support the level of CDBG funding we badly needed.

Normally, that might have been the end of the story. But in this case, Ted Stevens, the full Appropriations Committee chairman, intervened. He saw that Federal funding was absolutely critical for the community to rebuild. I think maybe he saw a city in North Dakota that needed funding just as badly as many of his Alaska communities needed Federal funding to build a brighter tomorrow. And he overruled his subcommittee chairman and made sure that Grand Forks got the CDBG funding it needed.

The results have been spectacular. Grand Forks did rebuild bigger and better than ever. When some say that Federal spending is wasteful, Grand Forks is a tremendous example of how the Federal Government can make things better.

So it was with profound sorrow that I learned last month that Ted Stevens had died in a plane crash on a fishing trip in his beloved State. His country owes him thanks for his long service to his Nation, both in the military and here in the Congress. The State of North Dakota and the city of Grand Forks owe him thanks for his role in bringing needed funding to projects all across our State.

Lucy and I send our deepest condolences to his wife Catherine, his family, and his friends. Ted was one of a kind. We will miss him.

Mr. COCHRAN. Mr. President, today at Arlington National Cemetery the final resting place for so many national heroes, the burial service of our friend and former distinguished colleague, Ted Stevens of Alaska, was attended by a large number of friends. It was my honor and privilege to serve as a Member of the Senate with Ted Stevens. From him I learned the importance of hard work and seriousness of purpose that characterized his exemplary service in this body.

He was energetic and tenacious, and he used those assets to accomplish so much for the people of his State. His quick wit and capacity for hard work were formidable assets that enabled him to get things done for his country and his fellow citizens of Alaska.

It was a special pleasure to visit Alaska with him and especially to participate in his annual Kenai River fishing tournament which raised money for the preservation of that river and the unique beauty of its river basin.

Alaska and our Nation have lost a great leader and a true patriot, and I have lost a highly valued friend.

Mr. BROWNBACK. Mr. President, it wasn't an hour ago that we saw the lofty formation of four jets flying in formation over the burial site of Ted Stevens. Then, just as it passes over the site, one of the jets heads up, breaks formation, and heads into the sky above the others. It is such a memorable moment. I have seen this now twice, this formation. It is so memorable for me on this particular occasion because it is about a man who is so memorable.

Senator Ted Stevens served in this body for many years and is ''Mr. Alaska'' to this Nation's Capital and to many of the people in his home State. He is one of those soaring, towering figures who served in this body. He died at age 86 in a tragic accident, but he leaves a memory and a legacy that won't be forgotten.

One of the things I find so endearing about the memory of Ted Stevens is his tenacity in his work and his belief in the body. This guy would fight tirelessly for his State, for his beliefs, and for this body. He did it for a lengthy period of time through a number of different administrations and was an institution in and of his own right in what he did. I know the Presiding Officer, who works in this body and has served in this body, is someone who remembers Ted Stevens similarly.

I didn't realize some of the other aspects the Chaplain of the Senate talked about. There were about 6 years when Ted was President pro tempore of the Senate, so he would open the Senate every day. He would open the Senate, pledge allegiance to the flag, and then came the prayer. Senator Stevens at that time would go to the Chaplain and say: Let's bring up the prayer pressure, Chaplain—really urging him and us forward and to do things better and better for this country. It is a marvelous legacy to think about and to know about.

One of the beauties of serving in this body—and this is my last year in this body—is the people you get to meet and get to know. One thing that is always so striking to me is that while we deal with policy issues all the time, it is the people whom you touch who are so important and so critical. I think too often we look at it as a policy debate when I think we really should be looking at people's relationships. I say that from the standpoint that we need to be better in working together.

Ted Stevens had a beautiful relationship with Chairman INOUYE across the aisle in the Appropriations Committee. It is often those relationships that get things done. People lament in leaving this body that it has gotten less civil, it is this or it is that. My analysis is that it has gotten less relational, and that is the real problem, is that people don't have relationships across the aisle with people whom they talk with and with whom they are friends. They disagree. They disagree on a lot of different things. They disagree probably on most things that are voted on. Yet when it comes to the end of the day and we have to get something moving and done, it is that relationship of trust and that here is a person who is a friend that you can work with is what counts. I think that is what we really need to look at much more, the relational needs. It is not something you can artificially do. It is something that has to take place over a period of time. It is something that has to take place over probably a period of a series of projects where, after a period of time, you say, you know, this is a person whom I can work with, whom I relate well with, and whom I trust. I think it is that trust that gets things done at the end of the day. It is that sort of thing you could often see in Ted Stevens.

Whenever Ted Stevens gave his word, you knew it was going to happen. If he had any way of doing it, it would be according to what he said. I had a friend of mine who once said that when a man breaks his word, it breaks the man. You could look at Ted Stevens and the guy was consistent; if he said he was going to do something, it was something he would stand with, and that is a good trait.

I bring these memories of Ted to the floor at a time when we have just witnessed the jet fly up toward the sky in memory of Ted Stevens and of his spirit and of his relational nature that he had within this body, with people he knew and who knew him, who trusted him and whom he trusted. I really commemorate that way of service, that time of service. I also commend to Members continuing in this body that we be a lot more relational and intentional about relating to one another so that we really look for those chances to do that.

God bless you, Ted Stevens.

Our thoughts and prayers go out to his family and to the survivors, certainly, of that terrible plane crash that took Senator Stevens.

Mr. REED. Mr. President, this afternoon at Arlington National Cemetery, this Nation laid to rest a great American, a great patriot, an extraordinary Senator, Ted Stevens.

I had the privilege of serving with Senator Stevens for 13 years. In that time, he impressed not only myself but everyone with his deep commitment to his State of Alaska, to the Nation and, in particular, to the men and women of the Armed Forces.

Ted Stevens began his commitment to service above self at the age of 19, when he joined the U.S. Army Air Corps. He became a pilot and at age 20 received his wings. Then he was deployed to the China-Burma-India theater, where he undertook some of the

most dangerous missions any pilot had to face in World War II. He flew over the Hump. He flew supplies to Chinese nationalist forces, and he would frequently fly behind enemy lines to deliver his precious cargo and to keep that fight going. They would fly at night, and they would have to muffle the flights—their engines—to avoid detection by the Japanese. They would land and camouflage the planes, because they were in enemy territory, and then they would take another dangerous flight out in the evening—to return again and again. That kind of sacrifice and service and courage is remarkable.

Also, typical of Ted Stevens, it was not something he boasted and bragged about a lot. He just did it. That was one of the great strengths of Ted Stevens. He just did things he thought were right.

When he returned to the United States, he attended college. He went off to Harvard Law School and became a lawyer. Although he had midwestern roots, he saw his future in the great State of Alaska. He packed up and went to Alaska, and Alaska changed him, but I suspect he changed Alaska more. One of the things I believe he felt very strongly about, having seen the great effort of World War II, having seen citizens come together from across this land from different communities, different ethnicities and races, to forge a unified effort to do a great thing, he was convinced that government could make a positive and important contribution to the life of his community in Alaska. He worked very hard. He worked hard to build roads, to build bridges, to literally bring together the people of Alaska. He supported consistently and enthusiastically the military forces—not just there but across the globe. He too served, and he knew what these men and women were doing and how important it was.

Something also struck me, too, while I was at the services today. A gentlemen from New England came up to me and said, ''Hi, Senator.'' I wondered why he would be there. He was involved in the fishing industry in New England, and he appreciated what Senator Ted Stevens did for the fishing industry in Alaska, because he extended some of the same help to us in the Northeast. That was another thing about him. If he thought it was important enough for his constituents, he equally felt it was important for all people. He helped all of our constituents, and he would do it in a positive way.

I always found Ted Stevens to be somebody who was clear on where he stood. If he was with you, you didn't have to worry. If he was against you, you should worry. But he was consistent and honest. He represented the values we all appreciate—candor, honesty, and decency.

Today, America has laid to rest a great patriot. To his family, our deepest condolences. But what he has done—and not just for the people of Alaska but for all of us—has left an example of patriotism, of diligence, of hard work, and of commitment to this Senate, which will sustain and inspire us in the difficult days ahead. For that, I thank him.

Mr. AKAKA. Mr. President, I rise to pay tribute to Senator Ted Stevens, a great American.

Senator Stevens cared deeply for the people of Alaska, and all the people of the United States of America.

He dedicated his career to the security and well being of this country, from his early days as an Army Air Corps pilot in World War II where he served multiple deployments across several continents, through his long career here in the U.S. Senate, as the longest serving Republican in the history of this institution.

Ted Stevens was a brother and a dear friend. We were ohana, family. We worked together on so many issues to serve the needs of our noncontiguous States.

Senator Stevens knew well the unique challenges both Alaska and Hawaii face, as the newest States, farthest from the U.S. mainland.

Ted Stevens' love of Alaska is well known. But many people do not know Ted was actually a great surfer, and he was a frequent visitor to Hawaii. He loved to surf Kaimana Hila, Diamond Head, and Waikiki.

When his surfing days were over, he brought his favorite surfboard here to Washington and displayed it in his Senate office, alongside the many treasures from Alaska. Ted loved Hawaiian music and song, and I enjoyed singing with him.

Ted Stevens was a friend of America's first people. He constantly reminded the United States of its responsibility to its indigenous people in Alaska, Hawaii, and across the country.

While the people of Alaska will always remember him, visitors to our Nation's Capitol will also be reminded of Ted Stevens' work. Together we were successful in moving the 1965 model of the Statue of Freedom out of storage and into its prominent place today in the Capitol Visitor Center Emancipation Hall.

Ted Stevens brought strength and passion to the Senate for many decades. He was a constant presence in this institution.

My wife Millie and I send our warm aloha and deepest condolences to Catherine and all of Ted's family. I also want to extend my condolences to Senator Stevens' staff who worked tirelessly for him and for all of Alaska for so many years.

Aloha, farewell to Senator Ted Stevens.

Mr. WICKER. Mr. President, I rise this evening, as so many colleagues have done, to pay tribute to and remember one of the Senate's most enduring Members, the late Senator Ted Stevens of Alaska, who was buried today. For 40 years, Senator Stevens represented the people of Alaska in this body with zeal, with dignity, with intellect, and with strength.

Ted Stevens came in a small package, but he was indeed a giant—a giant for Alaska and for the Senate. He helped to chart a course for America's 49th State and our entire Nation through his vigorous dedication and passion. As one of the earliest proponents of statehood for Alaska, Ted Stevens' legacy remains intertwined with Alaska's development. His pride in Alaska was unmatched.

Fighting on behalf of Alaska, Senator Stevens was instrumental in developing America's energy policy and highlighting the incredible natural resources available in our own country. He saw the danger posed by a lack of energy security for this country, and drawing on Alaska's vast resources, he tirelessly advocated American energy independence. His work, including the Trans-Alaskan Pipeline Authorization Act of 1973, created good jobs for Alaskans and helped supply the power America desperately requires to fuel our economic growth.

A true American patriot who was concerned about U.S. security, Senator Stevens was determined that we maintain the ability to stand alone, if necessary, against the international forces of evil that plot our destruction. When it came to national defense, Ted Stevens demonstrated his commitment at an early age, long before his days in the Senate. I once heard Ted refer to the men and women of today's Armed Forces as ''the next greatest generation.'' He truly knew whereof he spoke. At 19 years of age, he enlisted in the Army Air Corps, during one of the darkest periods in American history. Having seen combat, Ted Stevens knew what service, valor, and bravery meant, and he saw that in the courageous men and women admirably serving now.

Retired Air Force COL Walter J. Boyne wrote a tribute to Senator Stevens that appeared in the Washington Post on August 11. I will quote excerpts from Colonel Boyne's memorable piece:

> At age 20, Lt. Stevens flew twin-engine transports ''over the Hump,'' carrying vital supplies from bases in India to the Chinese armies resisting Japan. On these often-unaccompanied missions, he had crossed the Himalayas; in Asia, the mountains were higher than in Alaska, the weather worse, and there was always the threat of a Japanese fighter plane showing up to dispute the passage.

Boyne continues:

> Young Lt. Stevens was probably disappointed to find himself in the cockpit of a transport plane. He had completed flying

school at Douglas, Ariz., earning his wings by May 1944, and probably expected to be assigned to Lockheed P–38 fighters. The urgent requirement for transports dictated otherwise, however, and he was assigned to the 322nd Troop Carrier Squadron, part of the 14th Air Force commanded by Gen. Claire Chennault.

Boyne writes:

While the route over the Himalayas demanded piloting skill and endurance, Stevens also flew many missions within the interior of China, some going behind Japanese lines, bringing supplies in direct support of Chinese troops.

For his service, Stevens received two Distinguished Flying Crosses, which Boyne points out ''can be awarded to any member of the U.S. armed forces who distinguishes him or herself by 'heroism or extraordinary achievement while participating in aerial flight.' ''

I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Washington Post, Aug. 11, 2010]

TED STEVENS: A FLIER WHO FACED THE RISKS

(By Walter J. Boyne)

The crash of a famed ''bush'' aircraft, the de Havilland DHC–3T Otter, near Aleknagik, Alaska, that killed former U.S. senator Ted Stevens, 86, on Monday brought to a close a life filled with the dangers of flying. Before Stevens began the career in elected politics that culminated in 40 years in the Senate, he left college to serve in the U.S. Army Air Corps in World War II. And in 1978, Stevens survived the crash of a Learjet at the Anchorage airport in which his wife, Ann, was killed.

Stevens had long accepted the hazards of flight in Alaska as being part of the political scene. Doubtless he was one of the few people who could fly over the state's rugged terrain with serene confidence. He had often flown over far more hostile territory during World War II.

At age 20, Lt. Stevens flew twin-engine transports ''over the Hump,'' carrying vital supplies from bases in India to the Chinese armies resisting Japan. On these often-unaccompanied missions he had crossed the Himalayas; in Asia, the mountains were higher than in Alaska, the weather worse, and there was always the threat of a Japanese fighter plane showing up to dispute the passage. For his dedication and heroism flying the Hump and other flights behind Japanese lines, Stevens was awarded the fourth-highest federal medal, the Distinguished Flying Cross (DFC).

The ''Hump'' route had a more sinister nickname: the ''Aluminum Trail,'' for all the aircraft wreckage that glinted brightly when the sun made its rare appearances. American pilots began flying the 530-mile route in 1942, taking off from bases in India and Burma. In October that year, all of the transport units operating in the theater were brought into the 10th Air Force, by direct order of Gen. Henry H. Arnold, chief of staff of the U.S. Army Air Forces.

The Douglas C–47 aircraft that were initially used strained to reach and maintain the altitudes necessary to clear the Himalayas. When the larger, more powerful (but more difficult to fly) Curtiss C–46 was introduced to the 322nd in September 1944, it allowed slightly more margin for error. Yet the route took its toll: At least 600 aircraft and more than 1,000 lives were lost in the three years it was used. In 1945, airlift needs ended when the Burma Road, from Lashio, India, to Kunming, China, was reopened.

Young Lt. Stevens was probably disappointed to find himself in the cockpit of a transport plane. He had completed flying school at Douglas, Ariz., earning his wings by May 1944, and probably expected to be assigned to Lockheed P–38 fighters. The urgent requirement for transports dictated otherwise, however, and he was assigned to the 322nd Troop Carrier Squadron, now part of the 14th Air Force commanded by Gen. Claire Chennault.

The unit was based primarily at Kunming, the original home of Chennault's famous American Volunteer Group, the Flying Tigers. The 322nd was equipped with the C–47 ''Skytrain,'' which came to be known as the ''Gooney Bird.'' The C–47 had been derived from the revolutionary Douglas DC–3 transport and was used by the armed services until the 1970s.

In September 1944, Stevens later recalled, he transitioned into the C–46, which after initial (and too often fatal) troubles with its Curtiss Electric propellers, turned into an aerial workhorse that substantially increased the capacity of the 322nd to move supplies.

While the route over the Himalayas demanded piloting skill and endurance, Stevens also flew many missions within the interior of China, some going behind Japanese lines, bringing supplies in direct support of Chinese troops. Stevens often had to land at tiny camouflaged airports, some with primitive crushed-stone runways that were narrower than the wingspan of his plane. He flew throughout Indochina, over what is now Laos, Cambodia and Vietnam, and even made flights into Mongolia. The 322nd was also tasked with bringing vital supplies to the small American fighter bases that had sprung up far from road or rail traffic.

On one 1945 trip to Beijing (then Peking), Stevens encountered bad weather, and there was no local ground control to assist him. He improvised a non-precision approach using the local radio station and his plane's radio direction equipment. After the war, he returned and found that the approach he had devised was still being used.

The Distinguished Flying Cross, first awarded in 1927 to Charles Lindbergh, can be awarded to any member of the U.S. armed forces who distinguishes him or herself by ''heroism or extraordinary achievement while participating in aerial flight.'' While Stevens was also awarded the Air Medal and the Yuan Hai medal by the Chinese Nationalist government, he surely must have been most proud of his DFC.

Mr. WICKER. Only 3 years before Senator Stevens earned his wings, Pilot Officer John Gillespie Magee, Jr., of the Royal Canadian Air Force composed a poem after being struck by the sheer wonder of flying a test flight at 30,000 feet. This poem was sent home to John Magee's parents just a few days before his death. It is entitled ''High Flight.''

I will close with those words in remembrance of an American hero, Senator Ted Stevens:

''Oh! I have slipped the surly bonds of earth
''And danced the skies on laughter-silvered wings;
''Sunward I've climbed, and joined the tumbling mirth
''Of sun-split clouds—and done a hundred things
''You have not dreamed of—wheeled and soared and swung
''High in the sunlit silence. Hov'ring there
''I've chased the shouting wind along, and flung
''My eager craft through footless halls of air.
''Up, up the long delirious, burning blue,
''I've topped the windswept heights with easy grace
''Where never lark, or even eagle flew—
''And, while with silent lifting mind I've trod
''The high untresspassed sanctity of space,
''Put out my hand and touched the face of God.''

On August 9, 2010, Ted Stevens slipped the bonds of Earth one final time. He died, literally and figuratively, with his boots on, among friends, enjoying the rugged and dangerous beauty of nature and of the State of loved. We will miss his leadership and his friendship and the Nation will long be indebted to him for his lifetime of service.

Mr. REID. Mr. President, Ted Stevens was as dedicated to his State as anyone to ever serve in this body. From his fight for Alaska's statehood to the four decades he represented that State in the U.S. Senate, he never forgot where he came from or who elected him.

Although he set the record as the longest-serving Republican Senator in American history, his legacy is not measured by his longevity but by the indelible impact he had on Alaska.

He made much of that impact during from his time on the Appropriations Committee, and I learned a lot from working with him there. He once gave me a necktie with a picture of ''The Incredible Hulk'' on it as a token of his appreciation for my work on an appropriations bill. It was his unique way of saying ''thank you,'' and it meant a lot to me. I still have that tie.

Public service was more than a career for Senator Stevens; it was his life's calling. He served his country from halfway around the globe, fighting with the Flying Tigers in World War II, and served his State from clear across the continent when he came to the U.S. Senate. But no matter how far away from home, he always kept it close to his heart.

Senator Stevens loved flying, loved the outdoors, and loved his State. He died doing what he loved, and his footprint will forever be visible across the Last Frontier.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CREATING AMERICAN JOBS AND ENDING OFFSHORING ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3816, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to consider Calendar No. 578, S. 3816, a bill to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas.

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes of debate, equally divided, between the two leaders or their designees prior to a vote on the motion to invoke cloture.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, in a few minutes, the Senate will be voting on the motion to invoke cloture on the motion to proceed to a bill that has been mislabeled the ''Creating American Jobs and Ending Offshoring Act.''

The part of the bill that is attracting the most attention is the repeal of deferral for the income of foreign subsidiaries for importing into the United States. Deferral is the policy that allows U.S. corporations to defer paying U.S. tax on the earnings of its foreign subsidiaries until those earnings are sent back to the United States when, at that point, they are going to be taxed just like every other corporate income.

In general, deferral is not allowed if the income is earned offshore and the reason for it being offshore is solely to avoid tax. What is bad about the bill is it would deny deferral for income that a foreign subsidiary legitimately earns from the sale of goods into the U.S. market.

The problem is that there has been no finding that such income is earned outside the United States by a motivation to simply avoid U.S. taxes. So this bill is completely contrary to a whole half century of bipartisan thinking as to when it is appropriate to deny deferral and when it is not. That bipartisanship goes back to President John F. Kennedy's administration, when there was a bipartisan agreement within the Congress and between the President and the Congress that this is the tax policy we should have to make American manufacturing competitive with foreign competition.

To the contrary, there are obviously many reasons for a foreign subsidiary of a U.S. corporation selling goods into the United States. There could be a need to be near to a certain overseas market or the good in question may not be found in appreciable quantities within the United States. Yesterday, I referred to chromium not being available in the United States, as one example.

There could be many reasons having nothing to do with tax policy. But the sponsors of this bill don't seem to understand that fact, that American manufacturing ought to be competitive with overseas competition or, obviously, we are going to lose business and lose jobs in the process or perhaps the bill's sponsors would admit that curbing tax avoidance is not the point. Perhaps they would instead claim it is all about an effort to create American jobs.

That would be a very good goal, but it is unlikely to create jobs. I fear it would have the opposite effect. The bill may lead to fewer headquarters jobs in the United States, if a corporation, for uncompetitive reasons, decided to move totally offshore and take those headquarters jobs with them. The bill could lead to a loss of American jobs assembling finished products from parts assembled outside the United States.

In the words of the late Senator Moynihan, who was, for a long time, chairman of the Senate Finance Committee, in speaking in opposition to this very same proposal 14 years ago:

Investment abroad that is not tax driven is good for the United States.

In other words, what he is saying there is, if there is investment abroad but it is not solely to avoid U.S. taxation but has economic substance behind it, that is good for the United States.

He did not say this. Contrariwise, if there is money offshore simply to avoid U.S. taxation, then obviously that is wrong. As an example, Senator BAUCUS and I have been involved in the Stanley Corporation doing that 6, 7 years ago, and we plugged those loopholes.

I agree with Senator BAUCUS when he was recently quoted as to this bill saying:

I think it puts the United States at a competitive disadvantage. That's why I'm concerned.

If there is any doubt about whether I agree with that statement of Senator BAUCUS, the Democratic leader of our committee, I agree with Senator BAUCUS.

In addition, there are procedural defects concerning this bill. I wish to start this part of my remarks by relying on a statement Senator REID said to me privately—he might deny he made this statement, but soon after the 2006 election, when the Senate became a Democratic majority rather than a Republican majority, he said something like this to me: You and Senator BAUCUS work so well together. I want you to know I am going to let the committees continue to function as they always have, particularly in your case because you have such a close working relationship.

With that as background, things have changed very recently so that every bill seems to be written in Senator REID's office, not in committee.

This bill before us has not been vetted by the Finance Committee. Does anyone believe that if my friend the chairman were to put this bill before the Finance Committee, it would be approved in the form it is right now? If the idea in this bill had the kinds of merits claimed by their proponents, then they should welcome the Finance Committee reviewing it. Let members ask questions as they review the language. Test the strength of ideas through the committee process.

The Democratic leadership has short-circuited the opportunity to methodically test the bill as good tax policy. Unfortunately, this process defect has been more the rule than the exception. Since the stimulus bill in January of 2009, the Finance Committee has only marked up one tax policy bill, and that was the health care reform bill.

My sense is the Democratic leadership simply does not want this bill to undergo scrutiny of a regular-order process—in other words, the way the Senate normally does business. This bill is presented as a ''take it or leave it'' proposition. Republicans are not supporting cloture because they are not being offered the opportunity to amend this bill with amendments that go to the supposed purposes of the bill. No amendments are allowed on any tax incentives for job creation. No amendments are allowed on measures to prevent offshoring of jobs. In other words, the Senate being a deliberative body of a bicameral Congress—and, obviously, the House is not a deliberative body—the purpose of this body is being neutered by the procedure this bill is going through. For instance, I have amendments dealing directly with the offshoring of jobs. They are bipartisan amendments. But if I vote for cloture, I have no assurance from the Democratic leadership that these amendments will be in order. I will describe these amendments.

The first amendment mirrors a bill the junior Senator from Vermont and I have coauthored. It is the Employ America Act. It would prevent any companies engaged in the mass layoff of American labor from importing cheaper labor from abroad through temporary guest worker programs if they lay somebody off.

The second amendment I filed today mirrors a bill the senior Senator from Illinois, a Democrat, and I have worked on for several years. It is the H–1B and L–1 Visa Reform Act of 2009. It would improve two key visa provisions while rooting out abuse while making sure Americans have the first chance of obtaining high-skilled jobs in this country.

Many Americans are unemployed. Yet we still allow companies to import thousands of foreign workers. These businesses should be asked to look first at Americans to fill those jobs, and they should be held accountable for displacing Americans to hire cheaper foreign labor.

These two amendments go directly to the concerns about job creation and the prevention of offshoring of U.S. jobs. Both amendments are bipartisan. Yet if cloture is invoked, these amendments would fall on the Senate cutting room floor.

Furthermore, I have no confidence, even if the Democratic leadership were to follow regular order for floor purposes, that we could expect anything like a conference committee to work out the issues between the House and the Senate.

In sum, the bill's substance would more likely lead to an increase in offshoring of American jobs and would make American companies less globally competitive. The bill's procedure is very irregular and not in the thoughtful traditions that so dignify the Senate.

For purposes of the contents of the amendments, as well as this procedure, I ask that we vote against this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I rise today asking that we vote to proceed to this measure so that we can have a full discussion and debate and work on the issues that are so important to middle-class families related to incentives for jobs being shipped overseas versus incentives to have jobs in America.

I agree with my distinguished colleague from Iowa—we have worked together on many issues—that there is a larger set of issues. It is very important that in the next Congress we focus on comprehensive tax reform. Permanently extending the research and development tax credit, as the President has proposed, which I strongly support, is very important to us for long-term innovation and the ability to invest in America. I believe it is important to have fair trade agreements, agreements that are enforced. When we look at a country such as South Korea, where our manufacturers have been blocked from selling into South Korea, where automakers have been at a disadvantage, we need to make sure those issues are fixed before that trade agreement or any trade agreement moves forward. There are many issues on which we need to focus under the whole commitment that we want to export products, not jobs.

I will talk about specifically what is in this bill, this piece of it, because this goes to the question of whether, in Michigan or in any State, if there is a decision made to close operations and take it to another country, lay off people in Michigan and move those jobs overseas, whether the workers, their families, Americans should subsidize that through a tax system that provides that you can take a deduction, a loss, or a credit for amounts paid in connection with reducing or ending an operation in America if you are starting the same kind of operation overseas—in other words, shipping your jobs overseas. Right now, you shut down, you get business tax deductions for what it costs you to shut down the operation and start it up somewhere else. To add insult to injury, we have workers training folks to take their place. We heard over and over what a challenging, humiliating, angering situation that is for too many of our workers.

The question is, on this policy, knowing there is much more that needs to be done, which I support—and I do support looking at the entire tax system and how we are competing in a global economy and making sure our businesses in America have every advantage, every opportunity to compete successfully. But the question is, the single question on this vote that is coming up very shortly is whether we are going to allow companies that shut down operations and start similar operations abroad to write off their American taxes, whether the same people who are losing their jobs are going to have to help pay for the jobs going overseas. That is No. 1. We say no. We say that as a basic premise, that is wrong.

No. 2, the question is whether we should end Federal tax subsidies that reward firms that move their production overseas under something called deferral. This bill says no.

No. 3, the question is whether we are going to provide incentives—among many incentives we have and need to have—whether we will say: If in the next 3 years you as a company choose to bring back jobs from overseas and hire Americans, we want to provide an incentive by giving a 24-month, a 2-year payroll tax holiday for those workers—if you are bringing jobs back from overseas.

That is simply what this is. It is not everything, but it is a very important piece of the puzzle. That is what this is all about.

For me, this is a fight about whether we are going to make products in America. If we make a commitment, as we have begun to do through the Recovery Act, through the advanced manufacturing tax credit, through the focus on manufacturing that has begun to get business moving again, we are going to have the ability to make it in America. And when we make it in America, we are going to make a lot of it in Michigan. The reason I am very committed to strengthening our manufacturing base is because I know that is going to strengthen Michigan because we have the engineers, we have the skilled workforce, we have the know-how, we have the innovation and the ingenuity. If we make it in America, we are going to be making a lot of that in Michigan.

We are committed more broadly to doing that. We cannot have a middle class if we do not make products. If we do not make products and grow products and add value to it as a country, we will not have a middle class. The reason we are losing our middle class is because there has been in the last decade much more interest in how cheaply we can buy something rather than where it is made. Every other country has understood that it matters where it is made. China thinks it matters where it is made. India thinks it matters where it is made. Germany, Brazil, Japan—go around the globe. They look at us. They look at what created the middle class of this country. They want that, so they are focusing on manufacturing. They are putting in place their own barriers—and China, of course, wins the prize on this—to keep our companies out, to say, you have to make it in China, to say it has to be a Chinese patent, you have to turn over your technology, and so on.

This bill is part of our effort to say that we are committed to fight for America, American businesses, American workers. This is not about punishing folks; this is about fighting for America. It is about fighting for a way of life. It is about fighting for the middle class of this country. We want to make it in America, and this bill sends a very simple message: Stop shipping our jobs overseas. Stop having loopholes in the law, incentives in the law that ship our jobs overseas.

We have lost over 4.7 million manufacturing jobs in the last decade. We can debate the 8 years of the former Presidency and the incentives that caused job loss and too many of those in my State of Michigan. We know that if we focus on making products in America, we will bring those jobs back; that if we close loopholes, if we create incentives, we will bring jobs back.

One example, and then I will close—I see my colleague from Ohio is here—when we focus on the right incentives, we do bring jobs back. In the last Energy bill, section 136—which I was pleased to author on tooling older plants to help businesses get retooling loans—caused Ford Motor Company to bring jobs back from Mexico to Wayne, MI. The jobs came back because of the right incentives. This bill is about the right kinds of incentives and closing the wrong kinds of incentives.

I ask our colleagues to give us the opportunity to get to this bill, to work together to stop the bleeding, stop the shipping of jobs overseas, and give us

the opportunity to make it in America again.

Mr. BROWN of Ohio. Mr. President, will the Senator from Michigan yield?

Ms. STABENOW. Yes, I will be happy to.

Mr. BROWN of Ohio. Mr. President, I thank the Senator from Michigan for her work on this legislation—she was here late in the evening yesterday—and the effort she has put forward.

It was 10 years ago this month that the Senate passed permanent normal trade relations with China. Initially, that was called most-favored-nation status, as Senator STABENOW remembers. They dressed it up, cleaned it up, put lipstick on the pig, and decided they should call it something else. We know what it has done to our country. We had a trade deficit with China in the fairly low double digits back 10 years ago. Today, our bilateral trade deficit with China is $260 billion. I believe last year it was $240 billion.

The first President Bush said that $1 billion in trade deficit translates into 13,000 jobs. So if we have a trade surplus of $1 billion, it means we are selling a lot more than buying and have gained 13,000 jobs. If we have a trade deficit of $1 billion, we have a 13,000 job loss. Well, we have a trade deficit with China alone of $260 billion, so we know what that means.

Look at what this PNTR with China has done. Look at what our tax laws and trade laws have done, and this legislation will begin to fix the tax laws. Look at what tax laws and trade laws have done to the middle class, to our manufacturing base in Toledo, OH, and Monroe, MI, and points north and south of there. It has all been based on this sort of cynical business plan. Not since colonial times have we seen the world where a company—an industry—will close their manufacturing in our country, they will move their production line and build factories in another country and then sell back their products to the United States. Never before have large numbers of businesses and industries done that, to my knowledge. Now we are seeing what damage it has caused to the middle class. We see the manufacturing job loss. We went from 1 million manufacturing jobs 10 years ago to, during the Bush years, that number shrinking to 600,000 manufacturing jobs in this country.

We are seeing progress. This legislation is progress. Clearly, I am hopeful our Republican colleagues won't object, as they typically have. They know people who have lost jobs, I assume, and they understand that. But we have also seen the President begin to enforce trade laws.

Mr. LEAHY. Mr. President, I strongly support the Creating American Jobs and Ending Offshoring Act. These clearly justified reforms will close wasteful tax loopholes for firms that move jobs overseas and provide real incentives for firms to bring jobs back to the United States. I am proud to join Senators DICK DURBIN, HARRY REID, BYRON DORGAN, BARBARA BOXER, CHUCK SCHUMER, SHERROD BROWN, and SHELDON WHITEHOUSE in cosponsoring this bill.

For the past two decades our country has witnessed a disturbing trend towards outsourcing American jobs abroad. What began as a way for domestic manufacturers to cut labor costs has blown into a full-fledged sprint by some U.S. manufacturing and service companies to move as much production offshore as possible.

The devastating effects of global offshoring have hit large, manufacturing States like Ohio, Michigan, Indiana, and California with particular hurt, but smaller States like Vermont are not immune to the global realities of corporate outsourcing and consolidation. Unfortunately, there is quite a list of companies in recent years that have either left our State or gone out of business entirely because they moved jobs overseas or were squeezed out of the market by competitors using cheap, foreign labor.

That is why the Senate must move forward with considering the Creating American Jobs and Ending Offshoring Act.

First, the bill will eliminate the perverse tax subsidies that U.S. taxpayers provide to firms that move facilities offshore. Specifically, it prohibits a firm from taking any deduction, loss, or credit for amounts paid in connection with reducing or ending the operation of a trade or business in the United States and starting or expanding a similar trade or business overseas.

Second, the bill will close the tax loophole that rewards U.S. firms that move their production overseas and then turn around and import those now foreign-made products back to the United States for sale. Not only will this help keep good manufacturing jobs here at home, it will save American taxpayers more than $15 billion in revenue over the next decade.

Finally, to encourage businesses to create jobs in the United States, the bill will provide businesses with payroll tax relief for each new job that they bring back onshore.

During these trying economic times, too many Vermonters are struggling to find goods jobs and pay their bills. The economic collapse came swiftly, and we have all seen that there are no quick fixes to turn around our economic troubles. We staved off greater economic disaster with an essential economic rescue plan, and we have tried to jump-start the economy with a bold economic recovery plan. But employment opportunities here at home are hampered when employers push more and more jobs overseas.

Last year, Congress helped lay the groundwork for a renewed and vibrant economy by enacting tax relief for working families and businesses and making needed investments in broadband deployment, job training, electrical smart grids, water and transportation infrastructure, better schools, housing, first responders, and new energy sources. We need to ensure that these important investments by U.S. taxpayers benefit businesses and workers here at home.

Mr. LEVIN. Mr. President, the American people understand a simple truth: Our Tax Code should not encourage U.S. companies to send their jobs overseas. That is why we have proposed the Creating American Jobs and Ending Offshoring Act. This legislation would take important steps to prevent American workers from losing their jobs because American companies get tax breaks when they move jobs overseas.

I thank Senators REID, DURBIN, SCHUMER, and DORGAN for introducing this legislation. It would eliminate tax deductions that corporations claim for expenses related to sending U.S. jobs overseas. It would end the tax breaks companies receive on income earned by foreign subsidiaries established to do work they once did with American workers. And in a bid to turn around the twisted incentives in our Tax Code, incentives that now encourage companies to send jobs overseas, it would provide incentives for companies to bring those jobs back home.

I understand some of my colleagues oppose this legislation because they fear it might violate our treaty obligations. It is difficult to have sympathy for this position, given the thousands of U.S. jobs lost because our trading partners fail to live up to their treaty obligations. I am in favor of trade, but I strongly oppose unilateral disarmament when it comes to trade. It is our obligation to defend the interests of U.S. workers. Ending the tax incentives that cost thousands of those workers their jobs is one way we can fulfill that obligation.

U.S. companies that do the right thing by their U.S. workers should not be at a disadvantage over those companies that ship jobs overseas. U.S. tax law should not encourage companies to fire hard-working Americans. We should pass this legislation and end the distorted incentives that are costing Americans their jobs.

Mr. GRASSLEY. Mr. President, very soon, the Senate will be asked to vote on the motion to invoke cloture on the majority leader's motion to proceed to a bill that is mislabeled the ''Creating American Jobs and Ending Offshoring Act.''

The process for this bill illustrates how the Democratic leadership has dumbed down any efforts to seriously legislate any tax policy issues. To show how far, as a body, we have run off the rails in legislating, let's compare the legislative track record of this bill

with the last major piece of tax legislation designed to deal with domestic job creation.

I am referring to the bill that responded to a World Trade Organization ruling against a domestic manufacturing benefit known, at that time, as the foreign sales corporation or FSC program. Dangerous tariffs were pending with respect to many American products. How was that legislation handled?

First of all, the Finance Committee members and staff engaged in a lot of due diligence in crafting the replacement regime, the domestic manufacturing deduction. On a bipartisan basis, Finance Committee staff, principally the tax and trade staffs, met with the interested parties, including officials from the litigating group, the European Union.

Finance Committee staff, Republican and Democrat, negotiated a bill that took the revenue generated from repealing the FSC benefit, added revenue from shutting down tax shelters like the so-called SILO/LILO schemes, and channeled that revenue back into a new broader based domestic manufacturing incentive. That incentive is a 9 percent deduction for domestic manufacturing activity. It is a substantial tax incentive. The Joint Committee on Taxation estimates it is worth $10 billion annually in terms of reduced taxes to domestic manufacturers, large and small. The chairman's mark was a joint mark between my friend, then-ranking Democratic member, MAX BAUCUS, and me.

Ranking Member BAUCUS and I came up with a bill title. It was the Jump Start Our Business Strength or JOBS bill. The bill went through the usual transparent Finance Committee mark-up process. Over several days, Finance Committee members reviewed the language, asked questions, and prepared and filed amendments. When I gaveled the committee to order, several amendments were debated. Some were defeated. Some were modified and accepted. Others were discussed and withdrawn. Every Finance Committee member played a role in shaping the bill the committee approved. And it should be noted the only dissents were two members on the then majority side.

When the bipartisan JOBS bill was scheduled for floor debate, then majority leader Bill Frist brought up the Finance Committee bill. Both my friend, Senator BAUCUS, and I were consulted on the floor bill's contents. At that time the Democratic leadership filibustered efforts to effectively process the bill. Keep in mind there was no dissent in the Finance Committee on the substance of the bill on the Democratic side. As I said before, two members of my leadership, on very principled grounds, voted against this popular bill. Despite opposing the bill in committee, those two members supported the majority leader's efforts to bring the time-sensitive legislation to the floor and process it in a timely fashion.

It took three cloture votes to process the JOBS bill. That is right. Three cloture votes. The basis for the multiple filibusters of the JOBS bill was not opposition to material in the bill. The Democratic leadership filibustered over items not in the bill that they wanted to offer as amendments. The Republican leadership did something we seldom, if ever, see from the Democratic leadership. Majority Leader Frist yielded by allowing votes on those issues, which were not in the bill, but controversial with many in the Republican Conference. Many votes were held on the JOBS bill. Some were designed by those close to the Democratic campaign operation solely to score political points. The Republican Conference, as the majority party at the time, recognized multiple votes were the price to pay to push part of the majority's agenda.

Even if that agenda consisted of doing the people's business by processing a bill with more support on the other side.

The conference committee that considered the JOBS bill was fully open. There was a chairman's mark and several days of amendments between the House and Senate. In the end, a conference report was produced that garnered a majority of Senate conferee signatures from each side. The conference report passed with overwhelming bipartisan support.

Compare that JOBS bill process with the one for this bill which, as I said at the start of my remarks, is a jobs bill in name only. In the Senate, I have found over the years, that legislative substance and legislative process are symbiotic.

That is, the quality of the process often affects the quality of the substance and vice versa.

Here we are debating a bill whose proponents claim will make a material difference with job creation incentives. We are also told that this bill will materially curtail the offshoring of U.S. jobs. If it were only that simple, I am sure the bill would pass with the overwhelming bipartisan margin the JOBS bill did some 6 years ago.

I have previously discussed the defects in the bill before the Senate. I will not do it again here. But I will say this: Does anybody on the other side really believe if my friend, the chairman, were to put this bill before the Finance Committee that it would be approved in the form that is before the body today? I can tell you this Senator has several amendments that he thinks would improve this bill dramatically.

I would expect those amendments might pass with bipartisan support. This bill, like so many others, was crafted in the majority leader's office and is largely the singular work of two senior members of his leadership. That is not to say anything negative about those members or their interest or work in the area of tax legislation. My point is that, if the ideas in this bill had the kind of merit claimed by their proponents, why avoid the Finance Committee? Why not let the public see it in committee. Let members ask questions as they review the language. Test the strength of the ideas through the amendment process. If the proponents answer by blaming Republican Leader MCCONNELL, I would point out that Senator MCCONNELL isn't on the Finance Committee. If the proponents answer by blaming partisanship, I would ask them to take a look at the Finance Committee ratio.

It has been the most favorable to the majority since the early part of the 1990s. By intentionally skipping the committee of jurisdiction, the Democratic leadership has deliberately short-circuited the opportunity to methodically test the bill as tax policy. Unfortunately, this process defect has been more the rule than the exception. Since the stimulus bill in January of 2009, the Finance Committee has only marked up one tax policy bill, the health care reform bill. As a former chairman, I know the current chairman would not want to proceed this way. Nope. My sense is the Democratic leadership simply doesn't want this bill to undergo the extra scrutiny of a regular order process.

Unlike the 2004 JOBS bill, this bill is being presented as a take-it-or-leave-it proposition. Republicans are not supporting cloture because they are not being offered the opportunity to amend this bill with amendments that go to the supposed purposes of the bill. No amendments allowed on other tax incentives for job creation. No amendments allowed on measures to prevent offshoring of jobs. I have amendments dealing directly with the offshoring of jobs question. They are bipartisan amendments. If I vote for cloture, I have no assurances from the Democratic leadership that these amendments will be in order. Any look back on the way in which tax bills have been processed this year tells me I have good reasons for doubting that a full debate would occur. I would like to briefly describe the two amendments I filed earlier.

The first amendment mirrors a bill that the junior Senator from Vermont and I have coauthored. Known as the Employ America Act, this amendment would prevent any company engaged in a mass layoff of American workers from importing cheaper labor from abroad through temporary guest worker programs. Companies that are truly facing labor shortages would not be impacted by this legislation and could continue to obtain employer-sponsored visas. Only companies that are laying

off a large number of Americans would be barred from importing foreign workers through guest worker programs.

Since the recession started in December of 2007, nearly 8 million Americans have lost their jobs and the unemployment rate has nearly doubled. In total, 15 million Americans are officially unemployed, another 8.8 million Americans are working part-time only because they cannot find a full-time job, and more than 1 million workers have given up looking for work altogether.

At the same time, some of the very companies that have hired tens of thousands of guest workers from overseas have announced large scale layoffs of American workers. The high-tech industry, a major employer of H–1B guest workers, has announced over 330,000 job cuts since 2008. The construction industry, a major employer of H–2B guest workers, has laid off 1.9 million workers since December of 2007.

The second amendment I filed yesterday mirrors a bill that the senior Senator from Illinois and I have worked on for several years. Known as the H–1B and L–1 Visa Reform Act of 2009, this amendment would improve two key visa programs by rooting out fraud and abuse while making sure Americans have the first chance of obtaining high-skilled jobs in this country.

The amendment does several things, including: one, requiring employers to try and recruit U.S. workers before hiring H–1B visa holders; two, requiring employers to pay a better wage to visa holders who take these jobs; three, expanding the powers of the federal government to go after abusers; four, creating new rules regarding the outsourcing and outplacement of H–1B and L–1 workers by their employers to secondary employers in the United States; and five, establishing a new database that employers can use to advertise positions for which they intend to hire an H–1B worker.

Too many American workers are unemployed today. Yet we still allow companies to import hundreds, even thousands, of foreign workers with very little strings attached. These businesses should be first asked to look at Americans to fill vacant positions, and they should be held accountable for displacing Americans to hire cheaper foreign labor.

These two amendments go directly to the concerns about job creation and prevention of offshoring of U.S. jobs. Both amendments are bipartisan. Yet if cloture is invoked, these amendments would fall on the Senate cutting room floor.

Unlike the 2004 JOBS bill, I have no confidence that, even if the Democratic leadership were to follow regular order for floor purposes, that we could expect anything like a conference committee to work out the issues between the House and the Senate.

We find ourselves in a very disappointing situation today. Two serious issues are supposed to be addressed in the legislation before the Senate: The first is tax incentives for job creation; the second is measures to prevent offshoring of jobs. No doubt the people who send us here expect us to take these weighty matters seriously. With all the economic pain Americans are enduring, we shouldn't be playing political games. But here we are. We have a bill whose proponents claim is a serious effort.

The Democratic leadership skipped the Finance Committee, and we are presented with a take-it-or-leave-it bill that is really nothing more than a political label. We can do better.

CLOTURE MOTION

The PRESIDING OFFICER. All time for debate has expired.

Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 578, S. 3816, the Creating American Jobs and Ending Offshoring Act of 2010.

Richard J. Durbin, Charles E. Schumer, Tom Harkin, Sheldon Whitehouse, Debbie Stabenow, Barbara A. Mikulski, Roland W. Burris, Bernard Sanders, Tom Udall, Mark Begich, Daniel K. Akaka, Jeff Merkley, Benjamin L. Cardin, Edward E. Kaufman, Christopher J. Dodd, Arlen Specter, Sherrod Brown, Amy Klobuchar, Byron L. Dorgan, Barbara Boxer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3816, a bill to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN), is necessarily absent.

Mr. KYL. The following Senator is necessarily absent, the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—53

Akaka	Bingaman	Cantwell
Bayh	Boxer	Cardin
Begich	Brown (OH)	Carper
Bennet	Burris	Casey
Conrad	Kerry	Reed
Dodd	Klobuchar	Reid
Dorgan	Kohl	Rockefeller
Durbin	Landrieu	Sanders
Feingold	Lautenberg	Schumer
Feinstein	Leahy	Shaheen
Franken	Levin	Specter
Gillibrand	McCaskill	Stabenow
Goodwin	Menendez	Udall (CO)
Hagan	Merkley	Udall (NM)
Harkin	Mikulski	Webb
Inouye	Murray	Whitehouse
Johnson	Nelson (FL)	Wyden
Kaufman	Pryor	

NAYS—45

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Baucus	Ensign	McConnell
Bennett	Enzi	Nelson (NE)
Bond	Graham	Risch
Brown (MA)	Grassley	Roberts
Brownback	Gregg	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Tester
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	LeMieux	Warner
Cornyn	Lieberman	Wicker

NOT VOTING—2

Lincoln Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 107, H.R. 3081, the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010.

John D. Rockefeller, IV, Byron L. Dorgan, Carl Levin, Dianne Feinstein, Jack Reed, Mark R. Warner, Patrick J. Leahy, Michael F. Bennet, Barbara Boxer, Benjamin L. Cardin, Charles E. Schumer, Patty Murray, Debbie Stabenow, Robert P. Casey, Jr., Christopher J. Dodd, Daniel K. Akaka, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 3081, the Department of State, Foreign Operations, and Related Programs Appropriations Act of 2010 shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 84, nays 14, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—84

Akaka	Feingold	McConnell
Alexander	Feinstein	Menendez
Baucus	Franken	Merkley
Bayh	Gillibrand	Mikulski
Begich	Goodwin	Murray
Bennet	Graham	Nelson (NE)
Bennett	Grassley	Nelson (FL)
Bingaman	Gregg	Pryor
Bond	Hagan	Reed
Boxer	Harkin	Reid
Brown (MA)	Hatch	Roberts
Brown (OH)	Hutchison	Rockefeller
Brownback	Inouye	Sanders
Bunning	Johanns	Schumer
Burr	Johnson	Shaheen
Burris	Kaufman	Snowe
Cantwell	Kerry	Specter
Cardin	Klobuchar	Stabenow
Carper	Kohl	Tester
Casey	Kyl	Udall (CO)
Cochran	Landrieu	Udall (NM)
Collins	Lautenberg	Vitter
Conrad	Leahy	Voinovich
Corker	LeMieux	Warner
Dodd	Levin	Webb
Dorgan	Lieberman	Whitehouse
Durbin	Lugar	Wicker
Ensign	McCaskill	Wyden

NAYS—14

Barrasso	DeMint	Risch
Chambliss	Enzi	Sessions
Coburn	Inhofe	Shelby
Cornyn	Isakson	Thune
Crapo	McCain	

NOT VOTING—2

Lincoln	Murkowski

The PRESIDING OFFICER. On this vote the yeas are 84 and the nays are 14. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Tennessee.

CHANGE OF VOTE

Mr. ALEXANDER. Mr. President, on rollcall vote No. 243 I voted ''nay.'' It was my intention to vote ''yea.'' I ask unanimous consent that I be permitted to change my vote which will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

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

MONTFORD POINT MARINES

Mr. BURRIS. Mr. President, I take the floor today to pay tribute to a group of Americans that blazed a trail, people who helped to shape the history we share, and whose contributions deserve recognition at the highest levels.

There has been no war fought by or within the United States in which African Americans did not participate.

The war for our independence featured all-Black units in Rhode Island and Massachusetts. During the War of 1812, about one-quarter of the Navy involved in the Battle of Lake Erie was Black. Nearly 190,000 African Americans fought for their own freedom in the Civil War. In World War I, over 350,000 Black men served on the Western Front.

But prior to 1941, Black servicemen were denied the honor and glory that comes with uniformed service, and their contributions went largely unnoticed. The units were segregated. Black infantry divisions hardly saw the battlefield. They served our Nation with honor, but our Nation did not honor their service.

But on June 25, 1941, President Franklin Roosevelt changed all that. Executive Order 8802 prohibited racial discrimination in the Nation's military. It was the first Federal action to promote equal opportunity in the United States.

Immediately, people of color answered the call and joined all branches of the service. Soon, the very first Black U.S. marines began training at Camp Montford Point in North Carolina. These men would become the first Black drill instructors, the first Black combat troops, and the first Black officers the Marine Corps had ever seen.

More than 19,000 Black marines served in the Second World War. Some, like SGM Edgar Huff and SGM Louis Roundtree, served in Korea and Vietnam as well. They earned decorations such as the Bronze Star, the Silver Star, and the Purple Heart.

All of the Montford Point marines sacrificed for their country, and for that they deserve our deepest gratitude. But they also did far more than sacrifice on the battlefield. They broke down barriers. Their names may not be as familiar as Washington, Jefferson or Lincoln. But their contribution to the American story deserves more than our respect. Through their actions, they changed the face of the U.S. military. They deserve our praise and recognition.

Last fall, I introduced S. 1695, a bill to award the Congressional Gold Medal to the Montford Point marines. I urge my colleagues to move forward and honor these fine men and women. Every American has benefited from their sacrifice, their bravery, and their leadership. And every American should learn from their fine example.

Unfortunately, time is not on our side. Every day, approximately 900 brave American souls who served in World War II pass away. We should honor our greatest generation while we have the chance to look them in the eye and thank them.

Since the day a few brave men began their training at Camp Montford Point more than half a century ago, the U.S. Marine Corps has been transformed into a stronger, more diverse fighting force. The legacy of the Montford Point marines represents what is best about this Nation's history. Theirs is a proud chapter in the continuing American story.

As I address this Chamber today, I am surrounded by the towering monuments to our Founding Fathers, and the memorials to those who have fought and died so that we might live free. It is time to make the Montford Point marines a part of that immortal history—to award them the prestigious Congressional Gold Medal.

I ask that my colleagues join with me in celebrating these American heroes.

We need to do it before it is too late, and we will not have any of them to look into the eye and tell them: Thanks for your service. Thanks for standing up against some of the toughest situations on the battlefield but even tougher situations as Blacks on the homefront.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I commend my friend, the Senator from Illinois, for his comments, and I associate myself with his effort. This is recognition that is long overdue. I am pleased to support his efforts in this area. It is a part of American history that has not received appropriate recognition, these individuals' service to and in defense of our country. I believe strongly that we need to take action on this, as the clock for many of these individuals, as they get advanced in age, is ticking.

The Senator from Illinois will be leaving this Chamber at the end of this year. He and I came in together, as did the Senator from New Mexico. It has been a great honor of mine to serve with him. I consider Senator BURRIS a dear friend. I know there will be time for a more formal process, but I simply wish to say on this matter and countless others over the 2 years we have served together, it has been a real pleasure. I look forward to—perhaps not in this Chamber—other opportunities for us to serve and work together for many years to come.

(Mr. BURRIS assumed the chair.)

(The remarks of Mr. WARNER pertaining to the introduction of S. 3853 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. WARNER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, I commend the work of my colleague from Virginia, Senator WARNER, on a very important set of challenges we have.

I ask unanimous consent to speak as in morning business.

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

AFGHANISTAN AND PAKISTAN

Mr. CASEY. Mr. President, the conflict in Afghanistan enters its ninth year next month. Over the past few months, the United States has experienced the most casualties since the war began in 2001. In June, 60 U.S. troops were killed; in July, 66; in the month of August, 55 service members gave their lives.

We always recall the words of Lincoln when we recall those who are killed in action, those who gave, as he said, the last full measure of devotion to their country. These are difficult days, and that is an understatement—very difficult days for the American people and especially for the families and the troops. I also believe these are days that have tried the patience of Americans and tested the resolve of our commitment to this conflict.

At a minimum, we—when I say ''we,'' I mean those Members of the U.S. Congress—we owe the families of these service members every assurance that their elected officials, their elected representatives in Washington are vigilantly exercising oversight of the war. We also owe it to them that we ask and demand answers to very tough questions and, finally, that we are doing everything we can to make sure we get this policy and this strategy that goes with it right.

Since I last spoke on the floor on the issue of Afghanistan, there have been many important developments with respect to the war. First, we have been confronted with new revelations of corruption by the Afghan Government—more about that in a moment—second, reports of ballot box stuffing and voter intimidation in the parliamentary elections earlier this month have raised long-held doubts by the Afghan people as to the durability of the country's democratic experiment. The number of IED attacks has increased, and while deaths due to the IEDs are, in fact, down, the number of injuries is, unfortunately, up. ISAF has also begun operations in Kandahar. We saw a story about this yesterday. This is notable because this is reportedly the first operation to be primarily made up of Afghan troops.

I wish to spend a couple moments today to draw attention to the international response to the floods in Pakistan. The United States has played an important leading role. We were the first, and with the most assistance, of any country. While this may be the case, we also have a responsibility to encourage generosity from the public and private sectors in the international community.

I mentioned before the issue of corruption in Afghanistan. This issue has nationwide implications and could serve to undermine the totality of our efforts in Afghanistan. Our troops are fighting and dying to help extend the reach of the Afghan Government outside of the capital of Kabul to show the Afghan people that their government has a monopoly on the use of force and is capable of providing goods and services to its people. But we need to put this very simply. We cannot be complicit. Our forces, our government, cannot be complicit in helping to extend the reach of a corrupt government. Afghanistan is a sovereign country, and if the fight against corruption is going to be effective, Afghans—Afghans—can and must own the process.

The United States should support the work of the Major Crimes Task Force and the Special Investigations Unit, but, frankly, the track record to date has been very disappointing, and unless serious progress is made, support for U.S. engagement in Afghanistan will be seriously eroded.

As a former auditor general of Pennsylvania who oversaw the auditing of government programs at the State level, I perhaps have a heightened sensitivity to the vital role transparency and accountability have in government—in any government. The importance of these basic elements of a representative democracy is especially compelling when the lives of courageous Americans, ISAF, and Afghan forces are, indeed, on the line.

Just yesterday, the Wall Street Journal reported that there is a U.S. criminal investigation into President Karzai's older brother Mahmood, and prosecutors are trying to determine whether they can bring charges of tax evasion, racketeering, or extortion against him. Reportedly, he will travel to the United States this week to amend his tax returns. But these are serious allegations that we read about time after time. I have spoken and many in this Chamber have spoken about the allegations of corruption against Ahmed Wali Karzai, who has been implicated in local corruption schemes involving the opium trade. These are allegations, they are charges, but they are charges that are very serious and potentially damaging to the overall U.S. effort in the country, as it strikes to the heart of trust in the Afghan Government. Without this trust from Afghans and from the international community, I am concerned that support for U.S. efforts in Afghanistan will erode.

On September 18, Afghans went to the polls to vote for a new parliament. This has also become a serious cause for concern. On Sunday, the Afghan election officials ordered recounts in seven provinces. A government anti-fraud elections watchdog has received more than 3,500 complaints—3,500 complaints—about this election. They are concerned that up to 57 percent of these complaints could change the outcome of the vote. The Free and Fair Election Foundation of Afghanistan, the main independent Afghan observer group, observed ballot box stuffing in 280 voting sites in 28 provinces. We don't expect elections in a developing country to be perfect, especially a country that is in a war zone, but these reports are alarming, to say the least, because they indicate that not enough progress has been made over the past 9 years to create an Afghanistan in which the people resolve their own differences through politics and not violence.

Next let me move to the question of security, which is so fundamental to our strategy. I have sought to highlight the threat posed by ammonium nitrate, the fertilizer that is a key ingredient in the improvised explosive devices in Afghanistan. According to a recent report from the Joint Improvised Explosive Device Defeat Organization, known by the acronym JIEDDO, there have been 1,062 effective IED attacks against coalition forces in 2010 that killed 292 soldiers and wounded another 2,178 others. In the first 8 months of 2009, there were 820 such attacks that killed 322 and wounded 1,813. So while the number of deaths in the comparable period of 2009 versus 2010 may be down—instead of it being 322 deaths in those 8 months, it is 292—even though the number of deaths is down, the number of wounded, the number of injuries has risen dramatically in 2010.

It is essential that we highlight this threat and support U.S. and international efforts to crack down on the proliferation of dangerous chemicals such as ammonium nitrate that can be used in IEDs. I sponsored a resolution which was passed by unanimous consent—which we know is hard to do in this body these days—calling for increased focus by the Governments of Pakistan, Afghanistan, and Central Asian nations to effectively monitor and regulate the use of ammonium nitrate fertilizer in order to prevent terrorist organizations from transporting ammonium nitrate into Afghanistan. As we know, a lot of the inflow, a lot of the movement of this precursor chemical that is used in IEDs comes from Pakistan into Afghanistan. As a show of bipartisan strength on this resolution, Senators KYL, SNOWE, REID, and LEVIN—two Democrats, two Republicans—were original cosponsors of this resolution. I also had language inserted into the foreign operations funding bill which requires the State Department to report on its efforts to encourage Pakistani assistance on this issue. We must remain vigilant and persistent to address this ongoing problem. This is about protecting our troops from the horror of an IED attack. We must do all we can to minimize the threat to our brave men and women fighting for us in the field.

At a different level, at a strategic level, ISAF has launched Operation

Dragon Strike, a joint operation with Afghan forces which will look to eradicate Taliban elements in Kandahar. This operation could mark a crucial and critical turning point in the war, and we will be watching closely in the coming weeks to gauge the progress as it moves forward. This operation is notable as there are more Afghan troops than ISAF troops on the ground, and this is indeed an encouraging sign that the training of the Afghan National Army is beginning to reap benefits. That is a bit of good news—more good news—as it relates to the training of the Afghan Army; not such good news—in fact, some bad news—as it relates to the training of the Afghan National Police.

Let me move finally to the floods in Pakistan. I wish to draw attention to the devastating humanitarian crisis that continues to plague Pakistan after the flood. This has affected millions of people in Pakistan across the country—maybe not always directly but in some way or another through displacement, death, injury—in so many ways this has adversely affected the people of Pakistan. This is the worst natural disaster in the history of the country.

To assist the people of Pakistan during this difficult time, the United States has provided more than $340 million to support immediate relief and recovery efforts. The United States has provided food, infrastructure support, and air support to transport goods and rescue thousands stranded by the floods.

These floods will require a substantial international commitment of assistance. The United Nations has issued appeals, but the response from the international community has been, in a word, weak, and that might be an understatement. Private contributions have slowed to a trickle.

Last week, we heard from Cameron Munter, the President's nominee to be Ambassador to Pakistan, who described at our hearing in the Foreign Relations Committee the administration's plans to bolster support for the Pakistan relief fund. The American response to the flood has been substantial, but we can and must do more to rally the international community and the private sector to be generous in Pakistan's time of need. The Pakistani-American community has led an important effort to draw attention to the devastation wrought by the flood. We should bolster their work and use our platforms as public officials to broaden their appeals for help.

So we have many challenges in this area to get our strategy right in Afghanistan as it relates to governance. Increasingly, that word really means anticorruption, mostly—obviously on security in terms of what our strategy is but also in terms of training the Afghan National Army and police so that we can eventually draw down our troops and have them take over the fight and govern their own country.

Finally, on development, which I didn't speak much about today, there is the ability for the Afghans to develop the infrastructure and support they need to govern themselves, whether that is services, water and sewer—any indication, any element any country would need to have in place so that people can live in peace and security. Finally, there are the efforts we are making to help the people of Pakistan at a time of great need. We have all kinds of important humanitarian reasons to be helpful and to show solidarity with suffering people, and we also have several security imperatives that come into play when it comes to the flood and the aftermath.

So for all of these reasons, it is critically important to continue to debate and discuss and even argue about what our policy in Afghanistan should be. That is the least the Senate can do when our troops are fighting and sometimes dying in the field to carry out this mission.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

FOR-PROFIT COLLEGES

Mr. DURBIN. Mr. President, if you opened the newspaper over the last several weeks, you have probably noticed a large full-page advertisement that has appeared almost every day. It shows, usually, a young person, and it has a caption that reads: ''A hundred thousand working Americans don't count? Put the brakes on the Department of Education's gainful employment rule.''

There are a lot of photos of young people with that basic statement popping up in newspapers not only in Washington but across the United States. Others show photos of young people saying: ''I don't count? Some in Washington think I don't.''

These ads have been hard to miss. They have been running in more than 10 newspapers on a daily basis for several weeks, at a cost of millions of dollars. Most Americans, when they look at it, are puzzled and say: What is this debate and this battle all about?

Well, many of these ads are being paid for by Corinthian Colleges, Incorporated. This is a for-profit higher education company that provides training and education after high school for young people across America—and for those who are not so young anymore. Corinthian and other for-profit colleges are upset about a regulation that the Obama administration has proposed. Corinthian is spending millions of dollars on a barrage of ads across the United States, rather than basically taking the same money and offering it in scholarships to help their students. They want to stop the Obama administration from its proposed change in the rules. The proposed regulation could end Federal subsidies to some of the poorest performing for-profit colleges in America. That might hurt the profits of some very wealthy corporations, especially Corinthian.

This is simple dollars and cents. They are spending millions of dollars now to persuade Congress, and perhaps some voters and opinion makers, not to enforce a rule that holds them to a standard of performance because they may lose business. If they lose business, they may lose profits. In losing profits, they think it is worth putting money into this advertising effort. They are worried, because if you take a look around, you cannot miss them in Washington. I have said, half jokingly, that having served in Congress for more than 20 years, the best way I can find to meet former Members of Congress whom I have served with over those 20 years is to take on this issue because they have all signed up as lobbyists for these for-profit colleges. They are calling me and saying: DURBIN, guess who I am working for. It turns out my efforts to hold for-profit colleges accountable for the students going to school there and ending up deeply in debt is a full employment bill for former Members of Congress to be lobbyists. That was not my intention. It is not my goal.

They are also spending millions of dollars on these ad campaigns, about which I have spoken to newspaper people who say: The newspaper business isn't profitable anymore, but thank goodness these schools are buying full-page ads. So I have this sort of one-man campaign to put Americans back to work and make American newspapers more profitable. It is almost the basis for a comedy routine, except what I am talking about is not funny at all.

I am talking about some of these for-profit schools that are sinking young people deeply into debt in student loans that they can never pay off, promising them courses, training, and degrees that will lead to a good job and, in fact, it leads to a dead end, where they end up with a worthless piece of paper. They don't end up with the skills they need to get a job, but they do end up in debt, with student loans to the heavens.

I think the Department of Education is on the right track. If we are going to send literally millions, if not billions, of dollars to colleges and schools that are training those who finish high school, we should have some standards there. We should not just give them to

anyone who happens to call themselves a school or calls their effort an education and training. It is right to ask these questions.

The proposed gainful employment regulation is complicated, and some changes may be made before it is all over. It is basic: For-profit colleges should not routinely leave students with student loan debt that they cannot afford to pay back. Luring a 19-, 20- or 21-year-old deeply into debt, when they are being promised a job they will never have, is cruel and unfair. In a moment, I will tell you what happens when the students default on their debts. In the meantime, the taxpayers are subsidizing this. It is our Federal tax dollars passing through Washington and out to these schools, loaned to students, paid to the colleges that are representing they have something good to offer, leaving students deeply in debt and many without a job.

This rule the Obama administration is looking at would look at debt-to-income ratios and student loan repayment rates to determine those education and training programs that are leaving students with more debt than they can realistically ever pay back. Those programs might have to print a warning label on their promotional materials about the high debt levels of their students or there might be restrictions on enrollment in departments of schools that regularly produce students who are deeply in debt without a job. Some programs would actually lose their eligibility for Federal student aid if they don't meet certain standards. I think that is an honest approach for the students and for our need in this country to educate and train people in our workforce.

Recently, I had a hearing in Chicago, and it was on this issue. I could not get over the crowd. I expected a few people to be interested, but 450 people showed up. We had to have an overflow room in the Federal courthouse. As I walked into that Federal courthouse building, I thought there was something else important going on there beyond my hearing. It turned out the demonstrators on the sidewalk outside were there for me. So I went up to talk to them; they were students. These two students I spoke to were dressed in a white tunic, which chefs wear, with buttons on the side. They were carrying a sign against the gainful employment rule. I talked to them. I said: Where do you go to school? They said they went to the Institute of Art of Chicago, located in the suburb of Schaumburg, IL.

For those of us who know Chicago, the reason that name is written the way it is written is because there is a real art institute in Chicago. This school is not affiliated with it, but it is creating the impression that it may have some connection. It doesn't. I asked the student: What are you studying? The student says: Culinary arts. I want to be a chef. I said: How long does the course last? He said: 2 years. I said: How much do you pay in tuition for this course? He said: $54,000. It costs $54,000 to work in a restaurant. I said: How much will you get paid after you finish the course, when you go to work? He said: We usually start at about $10 an hour, and if I work 6 days a week or maybe more and do overtime, I might make $30,000 a year gross. I said: Do you have any idea how long it will take to pay off this debt? What is this leading to? He said: Someday I want to own a restaurant. I said: That is a great ambition, but if you start this journey $54,000 in debt, what is the likelihood you will reach your goal? He said: Well, I am going to pursue it. I think it is the thing to do.

The same culinary course is offered at the community colleges in Chicago—a 2-year course, with the same preparation, and the tuition for 2 years is $12,000 versus $54,000. This young man is going to be deeply in debt, a debt which people our age think, my goodness, that is more than my first home cost. They are going to have that facing them as they start a job that pays about $10 an hour.

That, to me, is unfair and creates an unrealistic expectation. I wish there would be a suspension, for about 6 months, of the super chef, master chef shows, so all the young people who are bored and watching cable TV will not turn to these shows and have these dreams about being the master chef of tomorrow. For many of them, it will be a dream that is never realized, although the debt they incur will be realized in a hurry. We think these schools would either have to improve the salary outcomes of their students or cut tuition costs. Either way, that is good for students.

But the for-profit colleges want us to believe that the idea of controlling student debt somehow hurts these students. Look at Corinthian College spending millions of dollars on these ads to stop this accountability. This company is buying full-page print advertising all across America. It owns Everest College, Everest Institute, and Everest University. How many students are enrolled at the colleges owned by Corinthian? It is 112,000, including 20 percent through online courses.

If I did a quiz and asked the American people which institution of higher learning they believe receives the most Federal funds of any institution in America, most people would get it wrong. It is an institution that is owned by a company called the Apollo Group, and it is known as the University of Phoenix. The University of Phoenix has over 450,000 undergraduates enrolled. That is more than the combined undergraduate enrollment of all of the Big Ten schools—450,000-plus. They receive more Federal aid for education than any other institution in America. Next is DeVry out of Chicago—for 75 years—and I might add during the course of testimony before our panel, our investigation did come up with some very positive things to say. I hope what I am about to say is not taken to condemn every for-profit school. I think some are doing a good job in some areas and they are valuable and should continue. The other is Kaplan University. Kaplan is owned by the Washington Post and is the biggest moneymaker in their corporation.

They have quite a few students. They are No. 3 in terms of receiving Federal aid to education. The fourth school, incidentally, is Penn State University, finally one you would guess would be there. It is a large university with online courses. That gives us an idea of where the Federal money is flowing from student loans and Pell grants. It is going to for-profit schools. They represent about 9 percent of all the students taking postsecondary education. They represent 25 percent of all the Federal aid to education and 43 percent of all the student loan defaults: 7 to 9 percent of the students, 43 percent of the defaults. It is an indication that we have a problem. We are shoveling money in the name of educating students at institutions which are heaping them up with debt and not providing them with training or preparation for a good-paying job.

In 2009, Corinthian—the one buying the millions of dollars in pages of advertising—had $1.3 billion in revenue, up 22 percent over the previous year, and 89 percent of the revenue for Corinthian Colleges across the United States came from the Federal Treasury, from taxpayers, in the form of Federal Pell grants and student loans. That does not include the GI bill, Department of Labor funding or Department of Defense funding.

The company's net income—that is their profit—was $71 million. The CEO of Corinthian Colleges, buying all these ads, was paid $4.5 million in executive pay and other compensation last year. Corinthian spent, out of the money they brought in—89 percent of it from the Federal Government—$295 million in advertising and recruiting in 2009. That is 22.5 percent of the total revenue went to advertising and recruiting.

They are, by and large, a marketing operation: bring the students in, sign them up, bring in the Federal dollars; bring in more students, sign them up, bring in more Federal dollars.

Given the ad campaigns in the newspapers, the amount spent on advertising by Corinthian is likely to go up even higher.

On average, for-profit schools, which receive the lion's share of the revenue from taxpayers, spend 25 percent of their revenue on advertising and recruiting.

What do community colleges across America spend in recruiting students to come to their campuses and classrooms? Not 25 percent of the revenue, 2 percent. They are being outclassed in the marketing battle by these for-profit schools.

How are the students doing at Everest College, for example? Recently, an undercover Government Accountability Office investigator went and took a look. That investigator posed as a potential student and found that the admissions representative at Everest College misrepresented the cost and length of the program and refused to disclose the graduation rate to this so-called potential student—not surprisingly. Do you know why? Only 15 percent of the student loans are being paid by the students who go to Everest; 85 percent of them are not paying on their loans. It shows they are getting into debt they cannot pay off.

Data from the Department of Education indicates that Corinthian, overall—in all their different colleges—has a 24-percent repayment rate. Three out of four students who go to their schools cannot pay the principal on their debt after they finish—three out of four. It is the lowest repayment rate of any publicly traded corporation in this business.

On a recent investor call, Corinthian acknowledged some campuses are at risk of losing their accreditation and that a majority of campuses will have 3-year default rates over 30 percent.

We cannot expect a young student fresh out of high school or someone without worldly experience to launch an investigation about whether a school is accredited. One assumes, if the Federal Government is going to send its money to that school for the students, somebody in Washington is keeping an eye on the school to make sure it is the real thing. The honest answer is we are not. That is why the Obama administration thinks we should change the rules, create more oversight on these schools, make sure Federal dollars are well invested and students do not end up overwhelmed by debt.

An independent analysis predicted that the Corinthian companywide 3-year default rate may be 39 percent. Do you know what that means? Two out of every five students who attend a college owned by Corinthian will default on their student loan within 3 years—40 percent of them.

That is happening despite the company's strong efforts to lower the number of defaults within the government's 3-year window. They are encouraging students to just pay interest on their debt if they cannot pay the principal so they can at least say you are paying something.

Corinthian spent $10 million over the last year to strengthen what it calls default management because they see the writing on the wall. It is indefensible that we are sending this money to the Corinthian corporation. They are heaping debt on the students and not producing an education that leads to a job.

Everett College in Illinois is doing slightly better with a default rate of 25 percent.

Corinthian also offers private loans to students who are in trouble. Listen to this. Corinthian Colleges' chief financial officer, Ken Ord, stated in a Federal 2010 investor call that they anticipate a 56- to 58-percent default rate on the private loans the school makes directly to students.

That is a 56- to 58-percent default rate on an estimated $150 million in internal student lending. Why is Corinthian willing to lend money to the students—their own money—when they know these students are already defaulting on their government loans?

The company is willing to take this loss of $75 million in private student loan defaults because these loans help ensure the Federal loans and Pell grants will keep coming in to these students, despite the fact they are in over their head in debt and have nowhere to turn.

Corinthian Colleges was sued by the State of California in 2007. The State argued it misled students about career opportunities. They reached a $6.5 million settlement in the State of California to refund tuition to former students, pay student debt cancellation, and pay civil penalties.

That was not the first time they had been in court. There have been a number of lawsuits from former students who had spent tens of thousands of dollars for useless degrees and useless certificates from Corinthian and Everest.

Recently, Corinthian and several of its executives are being sued by their own shareholders for allegedly making false and misleading statements about the company's business prospects.

I have questions about whether Corinthian is the education opportunity students are looking for. There are certainly students who have a good experience at one or more of the Corinthian schools, but I wish to share a story that they are not featuring in their full-page ads, arguing that they should not be subject to oversight by the Department of Education.

Last year, Washington Monthly magazine told the story of a student named Martine. At the age of 43, Martine decided to go back to school and pursue a career in nursing. She came across a Web site for Everest College, part of the Corinthian Colleges chain.

Martine was promised hands-on training in state-of-the-art labs and rotations at the Los Angeles Medical Center. She was worried about the $29,000 tuition but was told it would not be a problem. She was going to make $35 an hour as a nurse.

When Martine filled out her paperwork, she was rushed through the process and was not told the terms of her loans, including private loans that carried double-digit interest rates.

The education did not prove to be what she had been promised. The instructors were inexperienced. The lab equipment was old and broken. Instead of the promised rotations at UCLA Medical Center, her clinical training consisted of passing out pills in a local nursing home.

Martine was unable to find a job after she graduated. Instead, she is working as a home health care aide, and she cannot pay back her student loans. She said: ''I made one mistake, and I will be paying for it for the rest of my life.''

Many of these for-profit colleges argue that we need them desperately because the community college system in America is filled. Not true. Over the last week, I went to Olive-Harvey College, part of the community college system in Chicago. They have new leadership that is inspiring. I said: What is your capacity?

They said: We are at about 50 percent of our capacity. We can absorb many more students in our community colleges.

The cost is a fraction of what these for-profit colleges charge. It is important we give to students the information about the variation in costs for education and training and what they can expect to receive. According to the Department of Education, Everest College in Skokie, IL, costs, on average, $14,000 in tuition and fees for education.

Less than 3 miles away from the Everest campus in Skokie is a school you and I both know, Mr. President—Oakton Community College.

At Oakton, students can earn degrees in the same fields, same certificates for dramatically less. A certificate in medical billing, a program offered at Everest College—the private, for-profit school—for over $10,000 will cost you $1,000 at Oakton Community College, one-tenth the cost of this private school.

The Corinthian ad campaign suggests we do not think the students who are enrolled in their schools count. I disagree with them. I think they count for a lot. They count for our future. I would like to tell the students attending for-profit colleges, it is because they count that we are asking these hard questions.

I see another colleague on the floor, the Senator from Minnesota, so I will wrap up quickly and tell one thing I want students across America to know. First, the standards I wish to impose on for-profit colleges I also wish to impose on community colleges, public universities, and private universities. They should be accredited so their hours are worth taking. They should

not promise a job leading from a certificate that is earned there if it is not true. They should have full disclosure to students about what it means to enter into a student loan, and they ought to have some revenue coming in other than the Federal Government.

For many of these, 75 to 90 percent of their revenue comes straight from the Federal Government. When the GAO did the undercover survey of what some of these for-profit schools are saying to students, some of these recruiters were saying to them: I am a recruiter, but I just finished college, and I have a big debt I will never pay back. I am going to have a good job and make a lot of money, so it is OK.

Do you know what happens when you default on a student loan in America? It is time we tell students what they get into if they get in over their heads with a worthless education.

Your loan will be turned over to a collection agency and they may charge 25 percent more to collect what you owe.

Your wages can be garnisheed; that is, they can take it right out of your paycheck.

Your tax refunds can be intercepted by the Federal Government if you still owe on a student loan.

Your Social Security benefits ultimately will be withheld if you end up in debt at that point in life from a student loan.

Your defaulted student loan will be reported to a credit bureau and will remain on your credit history for 7 years, even after it is paid. That means you may not be able to buy a car, a house or take out a credit card. It might be you cannot get a job because of your credit history. You cannot take out more student loans or receive Pell grants to go back to school.

You are no longer eligible for HUD or VA loans.

You could be barred from the Armed Forces and might be denied some jobs in the Federal Government.

I might also add, most student loans are not dischargeable in bankruptcy. When the bottom falls out and you go to bankruptcy court, that is the one that will still be hanging over you when you walk out of that court process.

We have to be honest with students across America and let them know what they are getting into when they get into student loans. I borrowed money. I went to a good school. I think it paid off for me. It was an important decision. I was not misled about my education. I knew what it would get, and I was willing to risk the debt to reach that goal, and it worked. That is a good thing.

For those who are misleading students and burying them deeply in debt, I can tell them the time of accountability has arrived. The Federal Government is going to keep its obligations to the students across America to help them with education, but these schools have an obligation to their students to be honest with them, to be accredited, and to produce training and education that leads to a good-paying job.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. FRANKEN. Mr. President, I ask unanimous consent to speak as in morning business.

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

THE RECOVERY ACT

Mr. FRANKEN. Mr. President, I rise to discuss something I regret. I regret that Democrats have allowed the word ''stimulus'' to become a dirty word, one that we avoid using.

The President spoke a few weeks ago about his new plan to invest $50 billion in new infrastructure—projects that will improve safety and transportation. But he never once mentioned the words ''stimulus'' or ''recovery.'' That was probably a smart move on his part because, frankly, the stimulus has gotten a bad rap. But this is a reputation it absolutely does not deserve.

There are Members of this body who opposed the Recovery Act because they thought it would not work or did not jibe with their theory of economics or of how the government should address recessions, and that is fine. They were entitled to vote the way they thought best. But now a year and a half later, we have been able to see the economic effects of the Recovery Act. To deny it has been a success is simply to ignore the facts.

A recent poll showed that a majority of Americans believe that either the stimulus bill did nothing to help the economy or even made it worse. The economic data, however, indicates otherwise. How do we explain this disparity between what people believe and what the data supports?

Members of the American public do not form opinions out of thin air. They engage themselves. They watch the news. They listen to speeches by elected officials. One would expect that watching the news and listening to your elected officials would be a decent way to form an opinion about something. Unfortunately, the talking heads on many of the news shows, along with many elected officials, have been feeding the American public half-truths, at best, about the Recovery Act, and that, frankly, is cheating the American people out of the facts.

Today, I wish to go through some of these claims made by these talking heads and elected officials and then follow it up with some data, and that way the American people can use the facts to decide for themselves.

Let's take claim No. 1 about the Recovery Act, made by one of my colleagues in February: ''It didn't create one new job.''

The Congressional Budget Office—the arbiter and referee of economic questions that we in the Senate all have agreed to abide by—reports that the Recovery Act has increased employment by 1.4 million to 3.3 million people. A separate report issued by two respected economists corroborates CBO's estimates, putting the figure at about 2.7 million jobs. That report was issued by Alan Blinder and Mark Zandi. That is Mark Zandi, who, incidentally, was a key economic adviser to the John McCain Presidential campaign in 2008.

I understand that economic analysis has a lot of errors; that estimating jobs figures is very complex and it is difficult to determine whether a job was created or saved. But when CBO and respected economists agree that employment has increased by millions of jobs, is it at all plausible that the Recovery Act didn't create a single new job? Well, of course it is not. But that doesn't seem to stop some misinformed souls from claiming that.

Let's tackle the second claim. My friends on the other side of the aisle often imply that tax cuts would have been more effective than the Recovery Act. But perhaps they have forgotten that over one-third of the stimulus package in the Recovery Act was comprised of tax cuts—$288 billion of it.

Unfortunately, the tax cuts were designed in a way so that many Americans didn't notice they were getting them. An extra 20 bucks on your paycheck adds up for you and the economy over time but people don't notice it as they do when they get a big lump sum rebate or refund. But here is the thing about lump sum refunds. People like to save them or pay off debts with them. When you get an extra 20 bucks in the paycheck, you are more likely to spend it, giving the economy a boost.

This explains one unfortunate paradox of the Recovery Act. Because the tax cut was well designed, it helped boost consumer spending, but nobody noticed it. But that is not a failure of Recovery Act policy, that is a failure of getting the message to the American taxpayers. The tax cuts in the Recovery Act did their part. According to CBO, tax cuts for those in lower income brackets increased GDP by $1.70 for every dollar in tax cut.

For those who would argue the Recovery Act should have been only tax cuts, consider this: While tax cuts for lower brackets yielded a $1.70 GDP boost, tax cuts for higher income earners and companies only raised GDP by 50 cents per dollar spent, and neither of these figures compares to the return on the Recovery Act's public works investment—an impressive $2.50 increase in GDP for every dollar spent.

After tax cuts, another substantial portion of the stimulus was fiscal aid to States. The Recovery Act provided about $224 billion to States so they wouldn't have to slash essential State

programs. State budgets across the country are in dire straits. The Center on Budget and Policy Priorities estimates 46 States will have budget shortfalls this year. Over the past 2 years, the Recovery Act has helped fill in a large percentage of State fiscal gaps.

Imagine where State budgets would be had they not received assistance from the Recovery Act. Imagine the layoffs of teachers and firefighters and law enforcement, and of people who deliver key social services, for which there is far more demand during an economic downturn.

Let's look at another misleading claim—that the Recovery Act failed because it didn't keep the employment rate under 8 percent, as President Obama promised. Well, it is true that President Obama's advisers did not accurately forecast the gravity of the unemployment crisis. But, frankly, nobody did. And because of the lag in unemployment data, we now know that unemployment had already surpassed 8 percent by the time the Recovery Act was signed into law.

Let me walk you through this, because it is interesting, I promise. The claim about Obama's promise of keeping unemployment down actually came from a report issued by Obama's advisers on January 9, 2009—before he took office. In early January, we only had access to job numbers through November. Back in November 2008, unemployment was about 6.9 percent. By December, it had risen to 7.4 percent. But the Recovery Act wasn't signed until February 17, and by February the unemployment rate had risen to 8.2 percent.

So the unemployment rate was already over 8 percent when the Recovery Act was signed, let alone had any chance to go into effect. By that time, Obama's advisers, along with most other economists, had realized the tide of unemployment was going to be much more severe. So it is fair to say that President Obama's advisers underestimated the coming employment crisis, but it is not fair to say that unemployment exceeding 8 percent was a failure of the Recovery Act. It is preposterous to say that because the report issued by Obama's advisers contained an economic forecast that later proved to be inaccurate, therefore, Obama lied or that he broke his promise or that he is an expert in snake oil, as I heard a talking head on a Sunday show say. A forecasting error is not a lie.

Let's look at another claim. As an elected official has stated:

> According to the Bureau of Labor Statistics, since the stimulus was passed we have lost 3 million real jobs, 2.4 million net jobs in this economy and all the calculations and reports from the White House are not going to change the fact that their economic stimulus bill has failed.

Okay, this is a fun one because, technically, the first part of the claim is correct—since the Recovery Act, we have had a net job loss.

Here is a chart illustrating the job losses mentioned. These are job losses, here. See. You may notice a trend. I am going to show another chart that might put this more in context. You may notice a trend here. This is President Bush. If we had a slide whistle, it would whistle up on the scale. And if you had a slide whistle for here—here is the Recovery Act—it would whistle up on the scale. There is a trend. You can tell by my slide whistle that the Recovery Act was clearly a turning point. We went from a downward slide to a relatively upward climb. It is not as fast as we would like, and things have been slightly stalled of late, but clearly—clearly—we are doing much better.

This is Bush's last day in office.

In fact, one could make the argument that the stimulus was key in reversing our slide into a depression. In fact, that is pretty much exactly what Blinder and Zandi have said about the Recovery Act. Remember, this is Mark Zandi, who was JOHN MCCAIN's economic adviser. The Blinder-Zandi report sums it up this way: The government response to the crisis ''probably averted what could have been called Great Depression 2.0.'' Again, from the adviser to the 2008 Republican Presidential candidate.

I think avoiding a depression is, on balance, a good thing, and I think most Americans would agree. And if they knew the facts, they would thank President Obama and the Members of Congress who kept us from sliding into another Great Depression.

Let's look at a fifth claim. A prominent elected official said recently that he thinks the Recovery Act created only bureaucratic government jobs—only bureaucratic government jobs. In response to that, I wish to show a few recovery projects in progress in my State of Minnesota. You can judge for yourself whether they are bureaucratic government jobs.

I am not sure how the cameras work here in the Senate for those watching on TV, but maybe they can push in here on Jamie, a Local 361 carpenter from Cloquet, MN. Here he is performing scaffolding work on the north tower of the Duluth aerial lift bridge. He is doing this in January 2010. The Duluth aerial lift bridge, I think, is the largest in North America. The south tower will be completed this winter as part of the two-phase $5 million project funded by the Recovery Act.

Jamie, his wife and two children—aged 19 and 14—went without health insurance for 13 months when he was on unemployment. He was hired for this job last winter and worked enough hours on this job to get back on health insurance. The Recovery Act has enabled Jamie and his family to get back on their feet. I ask you: Does Jamie look like a government bureaucrat?

How about Cecil? Here is a picture of Cecil. I want to ask you: Does Cecil look like a bean counter for OMB? Cecil is pictured here working on the Highway 610 extension project in Brooklyn Park, MN. He is building 6 miles of sound walls. I attended the groundbreaking ceremony for this project. So did a Republican Congressman from this district, who voted against the stimulus package. Cecil had been unemployed since 2008 before being hired onto this Recovery Act-funded project. He has told us he is very thankful for the opportunity to earn a living wage to support his family.

Next, we have Spencer, a Local 49'er crane operator for a contractor named LUNDA, working on the 694/35W widening of bridge and on and off ramps—a $2.5 million project. There are 11 onsite contractors—private contractors—working on the project. Spencer, who is 23, is from Isle, MN, and was unemployed until this job came along. Spencer told me:

> I wasn't working until this job came along . . . investing in our country's infrastructure is an investment in my financial fate and family's future.

As I said, his Local 49'ers run heavy machinery. I don't know about you, but I don't know many Washington bureaucrats who can safely operate heavy machinery.

Who is next? Matthew and Randy, both Laborers Local 563. They had been employed by contractor CS McCrossan for 7 and 13 years, respectively, before they were both laid off last fall. But this spring, they were hired back to work on several different Recovery Act-funded projects. They are pictured here working on a pedestrian replacement bridge on 49th Avenue Northeast over Central Avenue in Columbia Heights, MN. You can see them. They are, you know, a couple of CBO paper pushers, I guess.

Next we have Sheila. Here she is working on the night shift on the I–94 rehabilitation project. I–94 is a huge interstate highway in Minnesota—a very important artery. Sheila is new to the construction industry but her work ethic has led her colleagues to comment that she has a bright future in the industry. These are just a few of the 70,000 Recovery Act projects happening across our country.

Here is another project in Two Harbors. These guys are building a water tower. In addition to five crews of workers on the project, the tower tank is made of 723,000 pounds of American steel. Let's get a picture of it; looks like a little more in progress—723,000 pounds of American steel, and the rebar is another 33,000 pounds of American steel. So additional American workers made this steel. More American workers mined the iron, Minnesotans on the Iron Range—Minnesotans. More jobs. I visited Two Harbors on September 6, just a few weeks ago, and personally saw this project in progress.

As you can see, these folks are not in suits and ties shuffling papers; they are building bridges, they are building roads, they are building water treatment plants and water towers. These projects are going to improve transportation and the health and safety of people in Minnesota. Because of these jobs, made possible by the Recovery Act, they will keep a roof over the heads of their families, put food on the kitchen table, send their kids to college, and, yes, buy stuff.

Another vital component of the Recovery Act that is often overlooked is its expanded funding for unemployment insurance that helped keep 3.3 million unemployed people, including 1 million children, out of poverty in 2010.

Another overlooked but critical program in the Recovery Act is the funding for Head Start. The $2 billion allocation preserved Head Start and Early Head Start programming for 64,000 children across the country—over 900 in Minnesota alone. These programs are helping the most vulnerable kids, kids in our communities.

It is simple. Economic analysis suggests that the Recovery Act boosted demand, created millions of jobs, kept families in their homes, and helped the economy start growing again.

Let me tell you what I love about being a Senator as opposed to being a candidate for the Senate. I think most of my colleagues can relate to this. The Presiding Officer has been a statewide candidate many times. When you are a candidate, you are speaking mainly to your own people. If you are Republican, you are speaking to Republicans to get the nomination and then to get out the vote. If you are a Democrat, you are doing the same. But as a Senator, you talk to everyone.

As Senator, I have been privileged to go all around the State of Minnesota and talk to folks at economic development meetings. I have talked to county commissioners and mayors and city councilmen and small businesses and community bankers. You know what. I don't know what party they are in, and I don't care. We are trying to get people going. We are trying to get the economy moving. Everywhere in Minnesota, do you know what these folks say to me? Thank you for the Recovery Act. Thank you. Thank you for the teachers we are able to keep on here in Brainerd, the firefighters, and for the Workforce Investment Act funds so we are able to train people for jobs that were available but didn't have trained people for. Thanks for the highway underpass so school buses do not have to cross the train tracks or an ambulance doesn't have to cross the train tracks. Thanks for funds for the wastewater plant or for rural broadband or for the weatherization of public buildings—speaking of which, Michael Grunwald, writing for Time Magazine, wrote this:

The Recovery Act is the most ambitious energy legislation in history, converting the Energy Department into the world's largest venture-capital fund. It's pouring $90 billion into clean energy, including unprecedented investments in a smart grid; energy efficiency; electric cars; renewable power from the Sun, wind and Earth; cleaner coal; advanced biofuels; and factories to manufacture green stuff in the U.S. The act will also triple the number of smart electrical meters in our homes, quadruple the number of hybrids in the Federal auto fleet and finance far-out energy research through a new government incubator modeled after the Pentagon agency that fathered the Internet.

A few weeks ago, I heard a prominent conservative talking head on one of the Sunday news shows describe the Recovery Act this way. He said:

If I pay my neighbor $1,000 to dig a hole in my backyard and fill it up again, and he pays me $1,000 to dig a hole in his backyard and fill it up again, according to the national income statistics, that is a $2,000 increment to GDP and two jobs have been created. The American people understand, however, there is no real wealth created in this kind of transfer payment.

How offensive. How out of touch. Yet this is why so many Americans believe the Recovery Act has not created any jobs or just created jobs for bureaucrats.

I worry that my speech today is too little, too late. I worry that most Americans have already formed their opinion about the Recovery Act based on the inaccuracies they hear from beltway pundits or from elected officials. But I challenge these talking heads and these elected officials to find the Spencers and Sheilas and Cecils and Randys in their State, go out and watch them work or talk to a teacher in a classroom or a cop on the beat. They are not digging and filling holes in their neighbor's backyard. They are doing skilled work, necessary work, hard work rebuilding our roads, teaching our children, and getting paid for it. With their paychecks, they buy food for their families and make their car payments and maybe buy a new one, which generates more demand. That is an economic recovery in the making.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEBB.) Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

U.S. SENATE STAFF: GREAT FEDERAL EMPLOYEES

Mr. KAUFMAN. Mr. President, last week I stood at this desk and recognized my 100th and final great Federal employee. Since May, I have come to the floor each week to share the stories of dedicated men and women who have chosen to work in public service.

Honoring these individuals has been truly one of the highlights of my time in office. As my term nears its end, I look over at this mosaic of dedicated government employees, and I hope that these speeches each week in their honor have drawn attention to the excellent work they have done and continue to do for our Nation.

At a time when politicians express their frustration with lack of progress by attacking nameless, faceless Washington ''bureaucrats,'' I thought it important to shed light each week on the face, story, and accomplishments of individual Federal employees. In that way, in my own small way, I hope I have helped remind people that those who pursue government work are constantly trying their best, often at great personal sacrifice, to make this a better country and a better world.

These 100 are a microcosm of our government workforce; as I have said before, they are not exceptional but exemplary. They come from over 40 departments, agencies, and military service branches. They represent a Federal workforce of 1.9 million.

Just as we 100 Senators are a snapshot of the American people, these 100 great Federal employees are a snapshot of the hard-working men and women who serve the American people every day.

But, just as it takes more than a 100 great Federal employees to carry out the work of the American people, it takes more than us 100 Senators to perform the work of the U.S. Senate. This week, in closing my series of speeches honoring public service, I want to recognize the untiring efforts of U.S. Senate staff.

I am not only speaking of those who work for Members as personal staff. I mean everyone here who has a role in making the Senate work, including those who work in the cloakrooms, the Parliamentarian's staff and that of the clerks, those who provide support services through the Sergeant at Arms and the Secretary of the Senate, the men and women who serve as Capitol Police, and so many more. Over 7,200 people work as Senate staff in personal offices, for committees, and for the various services that keep the modern Senate functioning.

All of them know well the importance of the Senate in our system of government and the role it plays binding our large and diverse Nation together. Indeed, on the west pediment of the Dirksen Building it is inscribed: ''The Senate is the living symbol of our union of states.''

It is a living symbol in that we rely upon a deliberative group of wise men and women to smooth out our differences and keep fastened securely our union's many parts.

We cannot do this without the help of our staff. They brief us on issues and provide up-to-the minute research.

They are our link with executive agencies and the military. They maintain our busy schedules and keep us on time, or mostly so. They form a network that links our offices together with one another and make bipartisan deals possible. Most important, they keep us connected to our constituents while we are here working for them in Washington.

Who are these staffers, and what brought them to these Halls?

Many of them are young, in their twenties and thirties. They have an energy and passion for the issues on which they work. Those who stay more than a few years often spend their whole careers here, becoming some of our Nation's leading experts in their issue areas. Just like Members, staff preserve the institutional memory of this body and pass on its traditions and history.

We have staffers from both civilian and military backgrounds. Every profession and field of education is represented here. Senate staffers have trained as doctors, lawyers, writers, farmers, nurses, engineers, teachers, manufacturers, the list is endless. They come from every State and territory in the Union.

They are creative and intellectual, pragmatic and imbued with good-old common sense. Senate staffers are diverse in both their origins and their ideas.

The paths that led them to the Senate are diverse as well. Staffers have come here because they are driven by a shared love of country and they long to play a constructive role in our Nation's history. One of the common traits of Senate staffers is that, when asked, they will say that there is something truly special about working in the Capitol and these impressive office buildings. Their eyes light up talking about the history and gravity of this place. They share the great feeling of excitement from living inside the news.

Staff work under the long shadows cast by this body's Members. Infrequently seen in the public spotlight, nevertheless their hands mold and shape everything we debate and pass. Here no 2 days are the same; there is no routine.

I like to think that my staffers are the best, but I know that every Member or Senate officer thinks his or her staffers to be the greatest. I would never dare dispute any of them.

Senate staffers share in common a deep sense of pride in their public service. They share the experience of walking through these august Halls and feeling goose-bumps from the power and weight of history and their palpable role in it. On both sides of the aisle they all want America to be strong, prosperous, and safe.

Senate staffers are so great because they take their jobs so personally.

This is why they work so hard. It is why they are here on weekends, drafting legislation, hammering out deals across the aisle, and advising their Members on the next day's votes. It is why front desk staff assistants are so compelled to engage with the constituents who call in with questions about bills.

It is why security guards, maintenance personnel, and those who work in the Printing, Graphics, and Direct Mail division trudged through the snowstorm to get here when all other government offices were closed. It is why all kinds of staff are here past midnight regularly.

I was a Senate staffer for 22 years. My service as chief of staff to JOE BIDEN gave me the chance each day to work with wonderful people on both sides of the aisle who came to the Senate motivated by love of country. Many of those with whom I worked during those days went on to other jobs in government and continue in public service today. A number of former Senate staffers now serve in the House of Representatives and in this Chamber.

As I come to the end of this series, I cannot help but think about all those great Federal employees I have not had a chance to honor from this desk. There are so, so many. They are the unsung heroes that keep our Nation moving ever forward.

I hope my colleagues and all Americans will join me in thanking those who serve and have served as staff here in the U.S. Senate. They are all truly great Federal employees.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. CASEY and Mr. DURBIN pertaining to the introduction of S. 3849 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Wyoming.

(The remarks of Mr. ENZI are printed in today's RECORD under ''Morning Business.'')

Mr. ENZI. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. GOODWIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GOODWIN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

UNANIMOUS-CONSENT REQUEST—S. 3671

Mr. GOODWIN. Mr. President, I rise to talk about an issue of incredible importance to my home State of West Virginia, to the Presiding Officer's home State of Virginia, and, indeed, to our entire country; that is, the safety of our coal miners.

Unfortunately, during the past 4 years, West Virginia has dealt with three significant mining disasters. On an early morning in January 2006, an explosion rocked through a central West Virginia coal mine killing 12 people. Less than a month later, tragedy struck again at a mine fire in Logan County, where two more miners were lost, and just this past spring, West Virginians mourned, yet again, when 29 of their neighbors were lost in the worst coal mining disaster in nearly a half century.

Through these tragedies, our Nation was sadly reminded of the dangers and risks miners face every day to provide a living for their families and affordable energy for our country. We collectively were reminded how important it is for miners, companies, and regulators to work together to keep our mines safe. Finally, we witnessed how my fellow West Virginians have come together in the midst of crisis and in a time of tragedy.

Yet the story of West Virginia lies not simply in such tragedy but, rather, in the story of thousands of West Virginians who go to work every day to produce nearly half the electricity consumed in this country. It is a story of good-paying jobs with benefits that help form the foundation of strong families and strong communities across my home State. It is a story my predecessor, Robert C. Byrd, knew very well.

In remarks he gave as a young Congressman in his maiden speech on the floor of the House of Representatives nearly 60 years ago, Senator Byrd emphasized the importance of coal in a speech lamenting our Nation's increasing dependence on foreign oil, remarking in that 1953 speech:

> We . . . must pursue not a policy that is detrimental to the economy of this nation and which impairs its strength while enriching other nations, but a policy that will strengthen our beloved country.

Those are words that certainly resonate and ring true today, which is why we should continue our efforts to develop technologies that allow our country to harness this abundant energy source in a cleaner way, such as the bipartisan carbon sequestration bill put forward by Senators ROCKEFELLER and VOINOVICH.

Coal can and must be a part of the solution to the energy challenges of the 21st century. West Virginians know this and understand that our future depends on our ability as a nation to extract and burn coal more cleanly. West Virginians simply want to be part of

that conversation and part of the solution.

As we move forward to ensure coal's vital role in the future of our economy, we must simultaneously also keep our focus on assuring that mines remain safe. It is not simply about preventing or investigating a large-scale disaster when that may capture the attention of the Nation and the world for a brief period of time. Rather, when tragedy strikes in a coal mine, it is usually far away from satellite trucks, international media, and the glare of television cameras. All too often, when a coal miner is seriously injured or perishes or succumbs after a battle with black lung disease, it is simply a community and a family who mourns quietly.

I would note that in addition to the 29 miners lost at Upper Big Branch, another 15 coal miners have been killed on the job so far this year, and it is only September.

Sadly, these deaths often go unnoticed by the country at large. The loss is just as great and just as tragic to the families, which is why everyone must remain committed to coal mine safety each and every day and each and every shift.

I know my colleagues in the Senate understand this and have taken this responsibility seriously. The changes brought about in 2006 after Sago and Aracoma were significant and positive. I was privileged to have played a small role in drafting legislation in West Virginia to help form part of the basis for the Federal MINER Act—the first comprehensive mine safety legislation passed by Congress in nearly 30 years.

Our work, however, is not complete. In his final months of service to West Virginia and our Nation, Senator Byrd was working with Senator ROCKEFELLER to craft and push additional mine safety legislation. During my brief tenure in this body, that has been a fight I have been honored to carry on. Although these efforts may not be completed during my tenure, I have every confidence that the Senate will continue its hard work on passing additional coal mine safety legislation.

There are serious issues that additional legislation needs to address. We need comprehensive and targeted inspections and increased transparency in mine safety recordkeeping. We need a sophisticated and effective way to separate good operators from the bad. For those who are irresponsible, we need enhanced oversight and enhanced penalties. We need to strengthen protection for miners who speak out about unsafe conditions and make certain their livelihoods are not jeopardized when they choose to do so.

Although my time in the Senate is not long, it has been and will always remain my enduring privilege to have served in this body alongside so many dedicated public servants, including and especially my friend, colleague, and senior Senator from West Virginia, JAY ROCKEFELLER. My remarks here today are on behalf of the State we represent and her people whom we both revere.

No coal miner should have to go to work fearing for his safety, and no coal miner should fear for his job for raising concerns about that safety. Coal mine safety is workplace safety, and it is the right thing for our country to do.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, the Senator from West Virginia wishes to continue as in morning business.

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

Mr. ROCKEFELLER. Mr. President, in the Senate, the core job, obviously, of any Senator is to do all we can every day to help our constituents. It has been such an honor for this Senator to stand with our newest Senator from West Virginia, CARTE GOODWIN, and work with him to do exactly that.

Before joining this body, Senator GOODWIN made serving West Virginia his focus in everything he did—as an attorney; general counsel to our Governor; chairman of the School Building Authority, which is a very complex matter—and all the while exuding enormous character, great character, dignity, and always keeping West Virginia families first and foremost in his mind.

It has been interesting to watch him on this floor in this relatively short period of time in which he has been a Senator and still is—the way people come up to him, see him as a breath of fresh air, respond to his intelligence, his integrity, his modesty, and his very smart brain.

Senator GOODWIN comes from a family deeply committed to public service that has taught him to work very hard, to give back, and be proud of where he came from. I respect him a very great deal.

More importantly, he has a deeply ingrained sense of what matters to West Virginia. He does not come from one of our big urban counties. He comes from a very small rural county, Jackson County. He knows what working families need. He knows what people who represent them in Washington need to bear in mind. As I say, his character is strong, his work ethic is unmatched, and his heart is always in the right place.

So it is a sad day for me, in a sense, because I respect him so much and like him so much and I will not be hearing him enough, except if he is dissatisfied with my work, in which case he can call me and tell me that and I will be taking copious notes.

I join Senator GOODWIN to talk about an issue that impacts the lives of every American in this country; that is, workplace safety.

This past April, as West Virginia's other Senator has mentioned, we suffered the worst mining disaster in 40 years in this country. It was statistically shocking, it was personally horrifying, and deeply poignant. Twenty-nine miners were killed in an explosion at the Upper Big Branch Mine in Montcoal.

I was there with the families as we hoped and we prayed for any sign that their loved ones would emerge. For the most part, they did not. The sorrow and hurt and anguish I saw on their faces is unimaginable and indescribable. It is something that no family should have to go through, but it happens in West Virginia and, as it turns out, in other States.

But mining tragedies are not just happening in West Virginia. Nearly one-third of our States have experienced mining disasters this year, including Alabama, Arizona, California, Idaho, Illinois, Indiana, Kentucky, Minnesota, Montana, Nevada, New York, Oklahoma, Tennessee, and Utah. Yet the mining industry is not the only industry where significant improvements to workplace safety are necessary. We have seen major disasters take the lives of hard-working Americans employed in a variety of other industries: 7 dying in a refinery blast in Washington, 6 in an explosion at a clean energy plant in Connecticut; 11 died with the BP Oil rig disaster off the coast of Louisiana which we all know about.

In fact, there were more than 4,300 workplace deaths in the United States in the year 2009, this year not having been completed, but it is a decent benchmark. That is 11 deaths each and every day of the year—11 men and women who went to work but did not return home to their loved ones.

This is America. We are the greatest country on Earth. All of us together must do more to protect the lives of these workforces. That is why Senator GOODWIN and I introduced the Robert C. Byrd Mine and Workplace Safety and Health Act of 2010.

Senator Byrd worked diligently with the two of us on this bill, as have Chairman HARKIN, Senator MURRAY, and obviously Senator GOODWIN. They are committed advocates to the working men and women of our country and in our State, and I wish to thank them for their tireless dedication to doing what is right.

This legislation contains commonsense proposals that will give Americans the peace of mind that comes from safe working conditions. It fixes the broken ''pattern of violations'' process which was meant to give MSHA authority to crack down on mines that repeatedly violate our laws, but has never been effectively implemented, this process. It takes a hard look at MSHA itself to make sure it is doing its job by creating an independent

panel to investigate the Mine Safety and Health Administration's—MSHA's—role in serious accidents. In these matters where regulation is done on discrete and for the most part invisible industries, the people who do the regulating and the checking need to be looked at carefully, just as do those who operate coal mines. It gives teeth to existing whistleblower protections so miners can come forward to report safety concerns. It gives MSHA additional tools to keep miners safe, including the ability to subpoena documents and testimony outside of the public hearing context. This is something which OSHA has, and it is amazing to me that MSHA has not had it and does not have it. If this bill were to pass, it would happen.

Finally, sort of, it provides protections that will apply to workers across, as I indicated earlier, all industries; greater rights for victims and their families to participate in investigations and enforcement actions; updating civil and criminal penalties; and the requirement that hazardous conditions be addressed immediately so that litigation doesn't shoot right into the middle of it and delay the whole process.

Over the past few months, I have been working with my colleagues on the HELP Committee on bipartisan legislation—and I deeply appreciate the efforts of Senators ENZI, ISAKSON, and HATCH on the Republican side. I have worked closely with Senator ENZI and ISAKSON in the past on other matters, first with Senator ENZI on, of all things, the President's Commission on Coal back in the 1970s when he was mayor of Gillette, WY, and later with both him and Senator ISAKSON to pass the MINER Act which came right after the Sago disaster.

I stood with both Senators ENZI and ISAKSON at the Sago disaster as we tried to comfort families, as we sat in circles and Senator ISAKSON and Senator ENZI seemed to—well, Senator ENZI comes from a coal-producing State, Senator ISAKSON does not—but both of them profoundly related to the families. It was very clear in their voices and what we saw in their eyes, and the families felt it. I know they care deeply about coal miners.

But it is also no secret that I am deeply frustrated we have yet to produce a bipartisan bill. The families of the Upper Big Branch are wondering, What is the holdup, and, quite frankly, so am I.

The provisions that should be included in a strong workplace safety bill are not that hard to figure out. In fact, they are the very provisions Senator GOODWIN and I have included in the Robert C. Byrd Mine and Workplace Safety and Health Act, which is why I come before the Senate today to at the proper time ask for unanimous consent that our legislation be passed.

Before I ask for unanimous consent, which I will do, I wish to address three of the main objections I have heard from my colleagues on the other side of the aisle. First, my colleagues on the other side of the aisle have expressed concerns that including workplace safety standards for all industry amounts to overreaching. I am sure the loved ones of the workers who died at the refinery, at the clean energy plant, and the BP Oil rig would see things a little bit differently. I am sure they would tell us that this bill cannot simply be about mine safety alone—although that is huge and the bulk of the bill—we must include important Occupational Safety and Health Administration provisions that cover all industries. OSHA, for example, does have subpoena power, and it does cover all industries, but it too needs to be strengthened.

Second, my colleagues have questioned whether MSHA, the Mine Safety and Health Administration, needs adequate subpoena authority. The idea that a law enforcement agency such as MSHA does not have subpoena power to proactively make mines safer is, to me, unimaginable. We are seeing problems with the existing system right now. The State of West Virginia's subpoenas in the Upper Big Branch investigation are being challenged in court—totally predictable. The intent, of course, is to challenge them in court before they can be effective and to prevent the questioning of company officials and others with vital information. That is the story of mine enforcement in the coal fields.

Third, it has been suggested that we do not have enough data to support additional whistleblower protections for coal miners. Let me answer that by saying that back in April, the Health, Education, Labor, and Pensions Committee heard testimony from Jeffrey Harris, a miner from Beckley, WV. Jeffrey told us—I was there—what it was like to work for Massey Energy. This is quoting Jeffrey Harris:

> Either you worked or you quit. If you complained, you'd be singled out and get fired. Employees were scared but, like me, they have to feed their families. Jobs are scarce, and good-paying coal mining jobs are hard to come by.

The Presiding Officer knows exactly what I mean. We are looking at $60,000-plus salaries, mostly in the very rural areas of our States, the southwestern part of the Presiding Officer's State, and it is quite true. What is somebody to do? They have a $60,000 salary or they have nothing, because jobs in those areas are not plentiful or, in some cases, simply don't exist.

To continue, in May, the House Education and Labor Committee held a hearing in Beckley, WV. We heard testimony from miners who have worked at Upper Big Branch and one of those miners, Stanley, nicknamed ''Goose,'' Stewart told us that:

> No one felt they could go to management and express their fears. We knew that we would be marked men. And the management would look for ways to fire us. Maybe not that day, maybe not that week, but somewhere down the line, we would disappear. We'd seen it happen.

So enough is enough. No employee should be fired for reporting safety concerns. A lot of manufacturing companies—I am thinking of Toyota in West Virginia—have the assembly line and they have a rope that goes all the way down. If any worker sees any problem of any aspect, whether it is real or he imagined it or whatever, he pulls that rope, the production line shuts down, and the manager comes over and they fix the problem if it exists. But the comfort that brings to the worker is a very small price to pay for very well-made cars.

Finally, my colleagues on the other side of the aisle have expressed concerns about reforming the pattern of violations process. The pattern of violations process, which does not sound very interesting but which is usually important in bringing things to a head, to justice—was intended by Congress to allow MSHA to take action against operatives that refused to follow our laws. But to date, no mine has ever officially been placed on pattern status. Why would that be? Well, one can only speculate.

I think everyone agrees that the process must be fixed, but what I don't want to do is to tie MSHA's hands or to dictate a formula that will virtually guarantee that no mine is ever placed in pattern of violations status. I want a proactive system, one that will identify troubled mines before accidents happen and one that focuses on rehabilitating mines that are having problems.

Mr. President, at this point, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 3671, the Robert C. Byrd Mine Workplace Safety and Health Act of 2010, and that the Senate then proceed to its consideration; that the bill be read three times, passed, and the motions to reconsider be laid upon the table; and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, as the Senator from West Virginia notes, the only change in mine safety law that was made was with his and my leadership and several others. That was the first change in 30 years. I know he is aware that in the area of OSHA, the only legislative changes that have been made in the 28 years the law has existed were under my chairmanship, with me as a major sponsor. So I am interested in safety.

The Republicans weren't invited to work on a bipartisan bill until 2 weeks before the August recess. We had our staffs work through the entire recess. There were numerous meetings. We were making great process. I think we had agreed on 14 different parts or so. We still had six or so provisions that were in the process of negotiation, but very close, and seven or so that the Senators themselves would have to work out. So I am disappointed that was called off. It was not called off by my staff. I think we could have had a bipartisan bill that would wind up unanimous on this side like the last one, with only a few objections on the House side.

So I am disappointed my colleague is attempting to bring up a bill with no bipartisan support at this late stage of the Senate schedule. They went back to the original one, not the one we have been negotiating. If the majority truly wanted to pass a bill on this issue, we would have continued those bipartisan negotiations, or they could have taken this bill through the Senate procedure and allowed a hearing and a markup on the bill.

As I stated last week on the floor, if this were to be brought up this way, I would have to object, and I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. ENZI. Mr. President, having objected, I would like to take a moment to clear up some confusion about what caused the breakdown of bipartisan negotiations on mine safety legislation last week.

The terrible tragedy that occurred in West Virginia this past April has focused us again on the strength of our Federal mine safety laws and regulations. As a Senator from a State that leads the Nation in coal production, I have always considered workplace safety as one of the most important missions of the HELP Committee and I have been pleased to work across the aisle to improve safety. That is exactly what I have tried to do this year as well with my colleagues from West Virginia and members of the committee.

As my colleagues well know, negotiations had been making significant progress until we ran into a stumbling block known as the election cycle. The staffs of seven Senators had been meeting several times a week for over 2 months and all throughout the recess period. Agreements had been formed on over a dozen important proposals, and several more important ones were right on the brink of compromise when the talks were abruptly called off until after the election. Despite what has been said in the press and on this floor, the simple fact is that we might well have had an agreement by now if the majority hadn't decided they would rather have an election issue. Certainly, it is not for me to consult on the political calculations of my colleagues. But it seems to me that political theatre and failing to work together to get important things like this done are exactly what the American people are so frustrated by this year.

We are serving this Nation best when we work together to accomplish the people's business. The formula is not that complicated and, really, anyone can do it:

Bring both sides together for discussions,

Establish agreed upon goals and work toward agreement on those goals,

Consult with stakeholders that will be affected by the changes being discussed,

Once substantial agreement has been reached, determine which issues the sides will never be able to agree upon, and set those aside for another day's debate. This is what I call the 80–20 rule.

This formula has worked in the past for the very issue we are discussing today—mine safety. In 2006, when I was chairman of the HELP Committee, we were faced with a string of tragic mine accidents in West Virginia. In response to the first one, Senator ROCKEFELLER and Senator Kennedy organized a trip to Sago, WV, to meet with miners, victims' families and investigators. The three of us, along with Senators ISAKSON, MURRAY, and Byrd, then began negotiations and were able to come up with an agreement in less than 2 months—the MINER Act, which was the first major revision of the Mine Safety and Health Act since 1977. This bill made important improvements to the emergency preparedness of underground mines and has fostered tremendous improvements in communications technology adaptability to the underground environment.

One of the reasons I am so proud of the MINER Act is that we wrote it in the way I believe all legislation should be drafted. We brought in all of the stakeholders—the union, the industry, the safety experts, the Mine Safety and Health Administration—MSHA—and we sat them all around the table and worked through the biggest safety concerns and the best way to approach them. Because of the bipartisan nature of the bill, it sailed through a committee markup, was passed by the Senate unanimously a week later, and passed the House 2 weeks later with just 37 House Members opposing. One more week later it was signed into law. That is how it was done.

During my tenure as the chairman of the HELP Committee, we were able to move 27 bills to enactment this way. In total, we reported 35 bills out of committee and, of those, 25 passed the Senate. This is the kind of cooperation and accomplishment Americans are demanding, especially on an issue as important and timely as workplace safety.

Every day, thousands of Americans go to work in the energy production industry. The work they do benefits every single one of us and underpins our entire economy. This year, major accidents in the energy-producing sector have taken the lives of 29 men in West Virginia, 6 in Connecticut, 7 in Washington State, 3 in Texas and 11 men off the coast of Louisiana.

If there was ever a time to work together to actually enact legislation, as opposed to playing at political theatre, this should be it.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, first, I wish to reemphasize how much I respect Senator ENZI, the senior Senator from Wyoming, and the fact that he is quite right about the MINER Act and what took place after Sago, which was another rural spot in West Virginia where a number of people were killed—a lot of anguish—and it was the first time in 30 years that there had been any revision of the Federal mine safety laws.

I have to say, though, that the bill we passed, the MINER Act, was not fully—because it had to pass through the committee at that time that was controlled by the present minority, it did not come out as strongly as I would have preferred. However, it was a good bill and has had a good effect in mining.

One of the aspects of mining, which is hard for people to understand, is that there is no margin for error. There is no margin for it. It is a discreet industry, which, for the most part, is carried on out of sight—in this case, underground. The great majority—I would say well over 95 percent—of West Virginians and people from the Presiding Officer's State have never been underground—or I guess sometimes Senators and Congressmen and Cabinet officers.

Obviously, I am disappointed that my colleague objected to this bill. However, I very much believe Senator ENZI when he said that he wants to start working on a bill that will keep people safe. I point out to him that at no point did we call off the negotiations. We were simply at the end of the work period, at the end of August, and there had to be a period of negotiation going on with the staff, and we would come back and take the fruits of that negotiation and go ahead and work on the bill. That is what I would have wished to have seen happen, and what still can happen. As I listened to the Senator from Wyoming, I believe he wants that to happen. As it turns out, so do I, and I am sure Senator GOODWIN does too.

People are counting on us to get this done. They deserve nothing less. I look forward to working on this. Obviously, it cannot be passed now. We have our work to do, but then again we have our work to do in any event.

Senator GOODWIN and I and Senators PATTY MURRAY and TOM HARKIN wanted to lay this down as a benchmark of what a mine safety bill should be. It probably won't end up being in a bill, but that doesn't mean it should not be this bill. You can't do everything at once, and I understand that. I have faith that the process will produce—as the Senator indicated, a number of things were agreed on by Senators, and sometimes I wish it were the Senators negotiating with each other; I think we would get a better bill.

In any event, I have faith in the future, and we all have the eyes of 29 miners and so many others looking down on us waiting for us to take action.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Kansas.

Mr. ROBERTS. Madam President, I ask unanimous consent to speak for 15 minutes to eulogize our former colleague and friend, the President pro tempore of the Senate, the distinguished Senator from Alaska, Ted Stevens.

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

(The remarks of Mr. ROBERTS are printed in today's RECORD under ''Morning Business.'')

Mr. ROBERTS. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Madam President, I ask unanimous consent to speak for 15 minutes as in morning business.

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

NATIONAL CRIMINAL JUSTICE ASSOCIATION COMMISSION ACT

Mr. WEBB. Madam President, first, I would like to say that Senator SCHUMER and I are sharing 30 minutes today—we are going to have to do it in divided time—to speak about concerns with respect to the relationship of the United States with China and where we need to move forward.

Before I do that, I wish to express my hope that my colleagues on the other side will allow a vote on the National Criminal Justice Association Commission Act which I introduced a year and a half ago after 2 years of hearings. We have bipartisan support on this bill. The identical version of this bill has passed the House of Representatives already. We have met with more than 100 different organizations, from our office. We have a buy-in on the necessity of this bill from people across the political spectrum and the ideological spectrum. The three major criminal justice associations strongly back this bill, as do the American Civil Liberties Union, Human Rights Watch, and the NAACP. There is no controversy on this bill. It passed the House by a voice vote.

I certainly hope that before the end of this year, we will see this national commission come into place. It is 18 months of getting the finest minds in America to come together and examine all aspects of our criminal justice system so we can do two things: one, reduce mass incarceration in this country but also reduce the fear in our communities with the present rate of crime.

There are two charts for people to look at to see why we need to move forward on this legislation. The first is to look at what has happened to the incarceration rate in this country. From 1980 up to today, it has gone off the charts. We have more people in prison than any other country in the world. We have 5 percent of the world's population and 25 percent of the world's known prison population. At the same time, any survey you look at, you will see that three-quarters of the people of this country feel less safe than they did a year ago. These two realities do converge in the need to examine our entire criminal justice system.

I say again to the one or two people on the Republican side who are not allowing this to come to a vote, this is not a controversial measure. The top three corrections associations in this country want to see it happen, as do people on the other side.

I hope we can get a vote before the end of the year on this legislation and start fixing our criminal justice system.

UNITED STATES RELATIONSHIP WITH CHINA

The main purpose of my speaking today is to join with Senator SCHUMER in stating to our colleagues and to the people of this country that we need to have the courage and the wisdom to reconfigure our relationship with China in a way that reflects more clearly its emerging status economically and in terms of our own national security and the security of the East Asia region. This has been an incremental process. I have been talking about the need to balance a relationship with China for 20 years.

Actually, I will begin these remarks by reading from an article I wrote for the Wall Street Journal 9½ years ago. I wrote:

> China engaged in a massive modernization program . . . It shifted its aviation doctrine from defensive to offensive operations, including the ability for long-range strikes throughout Southeast Asia. It has continually rattled its sabers over the issue of Taiwan. It has laid physical claim to the disputed Paracel and Spratly Island groups, thus potentially straddling one of the most vital sea lanes in the world. In the last year—

And this meant 2000 and 2001—

> it has made repeated naval excursions into Japanese territorial waters, a cause for long-term concern as China still claims Japan's Senkaku Islands, just to the east of Taiwan, and has never accepted the legitimacy of Okinawa's 1972 reversion to Japan.

This is rather relevant, even though this was written 9½ years ago, as we examine Chinese activities in areas in the South China Sea and the need for us as a nation to stand alongside the other countries in this region on issues of sovereignty.

Just in the past 3 weeks, we saw an altercation in the Senkaku Islands.

By the way, I mentioned the Senkaku Islands in a debate in my campaign 4 years ago, asking my opponent what he thought we should be doing there. There were some who thought I was being a little bit arcane by mentioning a place of which few people had ever heard.

It is a major flashpoint between China and Japan. Both claim these islands just off Taiwan. We saw a very serious diplomatic confrontation with the potential to have a military confrontation just in the past couple of weeks in the Senkaku Islands. The Chinese still claim the Paracel Islands, which Vietnam also claims. They have made naval incursions there. They claim the Spratly Islands, which are also claimed by other countries, including the Philippines, Vietnam, and Borneo. This is a very serious matter in terms of how we approach the stability of East Asia.

There was a column written in the Washington Post on Sunday, the title of which was ''The South China Sea, China's Caribbean.'' I emphasize to my colleagues that this is not the Caribbean in terms of the stakes and the threat of the wrong sort of action in this region. From the Strait of Malacca, where a huge percentage of the world's oil and cargo passes, up through the South China Sea into Japan, South Korea, Taiwan, we see a tremendous amount of world trade move through there.

In Southeast Asia, in the ASEAN countries, we have 650 million people. We have almost 1 billion people living not in China but in this region who would be affected by Chinese sovereignty claims if we do not responsibly assist this region in getting a balance.

This is happening at a time when I think we have deluded ourselves as a nation for economic reasons as to the nature of the governmental system in China. We tend to look at these as comparable governmental systems because we have such a high reliance on trade. And Senator SCHUMER is going to talk about the trade aspects of this issue.

Just as one little data point, every year the Freedom House publishes a record of the freedom of the press. It ranks countries in the world in terms of global press freedom. In their last ranking for 2009, China ranked 181 out of 195 countries in terms of freedom of the press inside the country. Of the 40 countries in Asia, the only countries that scored lower than China in terms of freedom of the press were Laos, Burma, and North Korea.

The second-tier countries in East and Southeast Asia watch very closely how the United States articulates its relationship with China. History warns them that they must hedge their bets against eventual change. And any failure by the United States to take firm action when the Chinese manifest aggressive behavior is viewed in this region as a sign of a permeating weakness in the United States.

The reality of a smaller size of our naval forces, the turbulence, at times, with relationships we have had with countries that are friends, the mistreatment and sometimes neglect of our major ally, Japan, causes some to wonder if China will become so powerful that we will abandon our friends.

On the one hand, this is an administration that has done a good job in terms of reconnecting with eastern Southeast Asia. Secretary Clinton made a strong statement in July at the ASEAN conference about the importance of these sovereignty issues.

On the other hand, we have a situation that is now evolving. It is continuing between Japan and China over the Senkaku Islands, where we must be very clear in our signals to China that we will not tolerate instability that can be created with false claims of sovereignty in these regions. There are ways to resolve these sovereignty issues, and the expansionist pressure from military actions and other actions is not the way to do that.

My major point today is that we must reinvigorate our vitally important relations with the ASEAN countries and our allies—Japan, Korea, the other treaty allies we have—in order to maintain the stability in this region, to maintain our own national interest in this region economically, with regard to security, diplomatically, and culturally, and ultimately in the long term for a proper balance between our country and China. This will only be done if we stay with our friends and articulate very clearly to China that the wrong type of behavior is not going to be rewarded with a weak form of behavior by the United States.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. WYDEN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. WYDEN. I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

SECRET HOLDS

Mr. WYDEN. Madam President, there are currently 48 vacancies on courts that the Federal judiciary considers to be judicial emergencies. Let me restate that. Filling these vacancies is now such a priority that they are considered judicial emergencies. One of those vacancies considered to be a judicial emergency is one of the positions for the U.S. District Court for Oregon. My view is this problem is only going to get worse with another 20 judges having announced plans to retire. If these positions remain vacant, we all understand it could delay trials and certainly justice delayed is justice denied.

The stalling of judicial nominations also discourages qualified candidates from serving on the bench. Those the country most needs on the bench cannot put their lives on hold for months or years while their nominations sit on the Senate calendar, blocked for no apparent reason.

One of the things that is most striking about how the country has gotten into this predicament is that experts who have analyzed the situation with respect to the delay in getting judges confirmed come back to Senate procedures as a significant factor in the holdup. Repeatedly, these independent experts say the Senate's secret hold, the process by which one Senator, just one, can anonymously block a judicial nomination from being considered on the floor of the Senate, is a central factor in the delay in getting these judges confirmed.

I have come to the Senate floor today to say, when we have so many designated judicial emergencies, when there are so many individuals who have won bipartisan support, and a big factor in not getting judges confirmed is the Senate is unwilling to do public business in public, it suggests to me it is time to eliminate the secret hold which is keeping sunshine from coming to the Senate when it comes to the consideration of judicial nominations and other important business.

Fortunately, colleagues on both sides of the aisle—a big group on our side of the aisle and a big group on the other side of the aisle—have repeatedly said they want to come together, end secret holds, and do public business in public.

At this time I would particularly like to commend my colleague from Iowa, Senator GRASSLEY, who has spent well over a decade working on this effort with me, and also single out Senator MCCASKILL from Missouri, who has done outstanding work as well mobilizing colleagues from both sides of the aisle, and who also wants to have this procedure changed and have new accountability and sunshine in the Senate.

All we need to be able to do is get this out in front of the Senate—frankly, out in front of the American people—so they can find out who is in favor of transparency, who is in favor of accountability, and who still thinks we ought to do business behind closed doors.

Some in the Senate continue to claim a secret hold does not prevent the Senate from consideration of a nomination or piece of legislation. They say, for example, the majority leader can always file what we know as cloture on that nomination or bill to overcome a hold. That may be true in theory, but for all practical purposes it cannot be done. The process of filing cloture on a nomination certainly can gobble up almost a week on the Senate schedule. So the Senate could easily spend the remainder of the time remaining this year with votes on just a few nominations now on the Executive Calendar and still not come close to clearing the backlog of nominations. The fact is, a secret hold can effectively kill a nomination or piece of legislation.

As we have said, our big bipartisan group in the Senate repeatedly has said all of this secrecy, all of this work to keep the public from finding out what is going on—all of it can be done without anybody, any colleagues in the Senate or the American people, knowing who was the secret obstructor and why they were, in fact, obstructing.

There is one other point I would like to make, particularly with so much of the country looking at how Washington, DC, works and how broken so much of our system is; that is, how much power a secret hold provides to a lobbyist. I am sure virtually every Member of the Senate has at some point gotten a request from somebody who is a lobbyist asking if the Senator would put a secret hold on a bill or nomination in order to kill it—to kill it without getting any public debate and without the lobbyist's fingerprints on it anywhere.

Certainly, if a lobbyist finds it possible to get a Senator to put an anonymous hold on a bill, it is pretty much like hitting the lobbyist jackpot. Not only is the Senator protected by the cloak of anonymity, but so is the lobbyist, and in effect, through secrecy, a secret hold can let the lobbyist play both sides of the street. It can give a lobbyist a victory with clients without alienating a potential or future client.

Given the number of instances where I heard a lobbyist asking for secret holds, I think it is fair to say a secret hold is in effect a stealth extension of the lobbying world.

So when you think about the powers that lobbyists already have, why in the world would you want to give them another tool, the secret hold, which could, as I have characterized it, literally be a stealth extension of the lobbying world. I think it makes no sense at all, and I come down on the side of openness and transparency.

I congratulate my colleague, Senator GRASSLEY from Iowa, who stood with me, and Senator MCCASKILL—a big group of colleagues from both sides. On the other side of the aisle, Senator

COLLINS, Senator INHOFE, and others have spent a great deal of time. Here it has been Senator WHITEHOUSE, Senator UDALL, and the presiding officer, Senator GILLIBRAND—a whole host of colleagues, Democrats and Republicans, who think it is time, when the American people are obviously so angry at the way Washington, DC, does business, to make it clear that we are all going to come together and change the process of letting an individual Senator obstruct the people's business in secret.

It seems to me the bottom line is that a secret hold is literally an indefensible denial of the public's right to know, particularly at a time when there is so much frustration and anger at the way business is done in Washington, DC. The public's right to know ought to be sacrosanct. Certainly, we are talking about the kind of matters Democrats and Republicans talk about all the time in public. Nobody is talking about national security or classified matters being brought out here for the kind of sunshine that I and Senator GRASSLEY and Senator MCCASKILL want to bring to the Senate. This is about the people's business—legislation and nominations, those judicial emergencies and the scores of appointments that are being held up, pieces of legislation that involve millions of people and billions of dollars. It seems to me there ought to be public disclosure. There ought to be consequences if a Senator fails to disclose a secret hold.

In the interest of dealing with the crisis in our courts and the importance of bringing public business to the floor of the Senate, I hope my colleagues will come together and quickly pass the bipartisan proposal which will once and for all eliminate secret holds.

There have been past attempts. Senator GRASSLEY and I were able, as part of the ethics legislation, to get a provision through that we hoped would make a big difference. What happened then is, the friends of secrecy went back and found other ways to get around it. It is time once and for all to strangle secret holds. That is what a bipartisan group in the Senate wants to do, and it is important that measure be enacted and enacted quickly.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that the Presiding Officer, Senator KAUFMAN, be recognized for 10 minutes as though in morning business—during that period, I will preside—and then that I be recognized for up to 10 minutes as though in morning business while the Presiding Officer resumes the chair.

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

Mr. LEVIN. I thank the Chair.

(Mr. LEVIN assumed the chair.)

The PRESIDING OFFICER. The Senator from Delaware is recognized.

EQUITY MARKETS INTEGRITY

Mr. KAUFMAN. Mr. President, I come to the floor one final time to talk about the integrity of our equity markets, a subject I have made a central focus of my Senate tenure. It is an issue that has gained increasing attention, especially since the May 6 flash crash, yet still lacks fundamental transparency, regulation or oversight.

A year ago, I wrote to Mary Schapiro, Chairman of the Securities and Exchange Commission, to outline my concerns. Seven times since then I have come to the Senate floor to talk about the dramatic changes taking place in our equity markets, discussing obscure practices such as colocation, naked access, flash orders, and the proliferation of dark pools. But the most striking change has been the rise in high frequency trading which has come to dominate equity markets and now accounts for well over half of all daily trading volume.

My message about high frequency trading has been straightforward. The technological advances and the mathematical algorithms that have allowed computers to trade stocks in millionths of a second in and of themselves are neither good nor bad. Indeed, as an engineer, I have a deep appreciation for the importance of technological progress. But technology cannot operate in a vacuum, nor should it dictate how our markets function. Simply put, technological developments must operate within a framework that ensures integrity and fairness. That is why our regulatory agencies are so critically important. Because while technology often produces benefits, it might also introduce conflicts that pit long-term retail and institutional investors against professional traders who are in and out of the market many times a day.

As Chairman Schapiro has consistently asserted, including in a letter to me over a year ago:

> If . . . the interests of long-term investors and professional traders conflict . . . the Commission's focus must be on the protection of long-term investors.

Many people have asked me why I focused so intently on the arcane details of how stocks are traded during my time as a Member of the Senate. There are several reasons. First, it is Congress' job not just to look backward and analyze the factors that brought about the last financial crisis, it is also our job to be proactive and identify brewing problems before they put us into a new financial crisis.

Second, we simply must protect the credibility of our markets. I have said time and again that the two great pillars on which America rests are democracy and our capital markets. But there is more at stake than a structural risk that could bring our market once again to its knees as occurred on May 6. There is a real perceptual risk that retail investors will no longer believe the markets are operating fairly, that there is simply not a level playing field.

If investors don't believe the markets are fair, they won't invest in them. And if that happens, we can all agree our economy will be in serious trouble.

Third, we should have learned the lesson from derivatives trading that when we have opaque markets that are nontransparent, disaster is often not far behind.

It is hardly surprising that high frequency trading should deserve a watchful, and possibly critical, government eye.

It is simply a truism that whenever there is a lot of money surging into a risky area, where change in the market is dramatic, where there is no transparency and therefore no effective regulation, we have a prescription for disaster.

We had a disaster in the fall of 2008, when the credit markets suddenly dried up and our market collapsed and almost brought down not only our financial system but the financial systems of the world.

We had a near disaster on May 6, 2010.

Soon, the SEC will issue a second report on the causes of that May 6 flash crash.

I hope the SEC has moved much closer to truly understanding the dramatic changes in market structure that have taken place in the past few years, the potential ramifications of high frequency trading, and its impact on retail and institutional investors.

But this is about more than investor confidence. The primary function of our capital markets is to permit companies to raise capital, innovate, and grow in order to create jobs.

Publicly traded companies employ millions of Americans and are at the heart of our economy.

Their stock symbols should not be used simply as the raw material for high frequency traders and exchanges and other market centers more concerned with churning out serving long-term trade volume than investors and supporting fundamental company value.

Perhaps it is not surprising that our IPO markets—initial public offering markets—have deteriorated dramatically and only seem to work for the largest public offerings worth several hundred million dollars.

Indeed, the IPO situation today is so dire that had it been the case two decades ago, many of our most famous

U.S. corporations, including Dell, Yahoo, Computer Associates, and Oracle, among others, might never have been nurtured—or perhaps even born.

Many people, including the consulting firm Grant Thornton, link this phenomenon directly to the rise of high frequency trading under a one-size-fits-all set of market rules that favors efficiency of trading above all else.

As for the Securities and Exchange Commission, I believe the SEC is still in the early stages of what I hope will be an extraordinary turnaround.

After years of deregulatory fervor which sapped morale and led to an egregious case of regulatory capture, we now have an emboldened agency, with a beefed up enforcement division, a serious chairman, and an invigorated staff.

That was evident in last week's hearing that I chaired in the Judiciary Committee on the Fraud Enforcement and Recovery Act.

The commission must still reform the way it gathers the facts it needs to study market issues and particularly high frequency trading.

Evidence-based rulemaking should not be a one-way street in which all the ''evidence'' is provided by those whom the SEC is charged with regulating.

We need the SEC to require tagging and disclosure of high frequency trades and to quickly implement a consolidated audit trail so that objective and independent analysts—in academia, private analytic firms, the media, and elsewhere—are given the opportunity to study and discern what effects high frequency trading strategies have on long-term investors.

They can also help determine which strategies should be considered manipulative.

The recent ''layering'' case brought by FINRA against a high frequency trading firm was a good start, but much more needs to be done to end the ''wild west'' trading environment that today is eroding market integrity.

We cannot afford regulatory capture nor can we afford consensus regulation, not in any government agency, but especially not at the SEC, which oversees such a systemic and fundamental aspect of our entire economy.

Colocation, flash orders, and naked access are just a few practices that were fairly widespread before ever being subjected to any regulatory scrutiny.

For our markets to remain credible—and it is absolutely essential that they do so—it is vital that regulators be proactive, rather than reactive, when future developments arise.

After a year of intense study by me and my staff, I sent a letter to the Securities and Exchange Commission on August 5, 2010, with my best summary of the market structure problems and potential solutions the commission faces.

I will now wait for the SEC report and findings before I add or subtract from my views, as expressed in that letter.

Though this work must be completed in my absence, I will continue to speak out on market structure issues long after I leave the Senate.

Because if we fail, if we do not act boldly, if the status quo prevails, I genuinely fear we will be passing on to my grandchildren a substantially diminished America: one where saving and investing for retirement is no longer widely practiced by a generation of Americans and where companies no longer spring forth from the well of capital flows that our markets used to provide.

Wall Street is a business like any other business in America. But it is also different in one important way: It is Wall Street that gathers up the hard-earned cash of millions of Americans and allows them to invest in capital markets that up until now have been the envy of the world.

These markets, like all markets, will ebb and flow.

But they should never be brought down by inherent structural problems, by trading inequities, or by opaque operations that shun transparency.

Wall Street holds a piece of American capital, our collective capital, and it has a real and profound responsibility to handle it fairly.

But that entails another obligation as well: to come to the table and play a constructive role with Congress and the Securities and Exchange Commission in resolving its current issues—especially the possibility of high frequency trading manipulation and systemic risk.

For too long, many on Wall Street have urged Washington to look the other way, to accept the view that all is fine. If Wall Street does not engage honestly and constructively, then these issues must be resolved without their input, and resolve them we will.

The credibility of our capital markets is too precious a resource to squander; as I say every time I have the chance, it is a fundamental pillar of our Nation. And if it is now threatened, Congress and the regulatory agencies will surely act.

We can fashion a better solution with industry input, not a biased solution, but a better solution, one that should benefit Wall Street in the long term, one that must benefit all Americans now. The American people deserve no less.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Michigan.

COMMENDING SENATOR TED KAUFMAN

Mr. LEVIN. Mr. President, I come to the floor today simply to thank my friend, the Senator from Delaware, for his extraordinary work in the Senate and to make a comment on some of the things he has been working on.

Since coming to this body, Senator KAUFMAN has proven to be a tireless advocate for his State of Delaware and the country, and his remarks he just provided are further evidence of that.

Senator KAUFMAN joined us here and joined me on the Permanent Subcommittee on Investigations, where he and his staff dug deeply into the weeds of financial statements and e-mails in efforts that helped ferret out some of the astonishing findings of our hearings into the causes of the financial crisis. Senator KAUFMAN's dedication and thoughtful questioning during those hearings helped expose some of the root causes and crass conflicts of interest that led to the crisis that brought our economy to its knees.

I also want to make particular note of Senator KAUFMAN's work on high frequency trading, flash trading, and other trading market issues, where those with powerful computers are able to exploit weaknesses in our regulatory systems to their own financial advantage, while hurting long-term investors and hurting the real economy.

Senator KAUFMAN cares deeply about these issues, and he has voiced his concerns about them in this Chamber for over a year. Last year, he called for a ban on flash trading, a practice in which some firms pay for a ''sneak peak,'' only a few thousandths of a second long, at trades. With their computers, those firms can take advantage of that split-second head start on market-moving trades. The Securities and Exchange Commission is working on rules to ban the practice, and I join Senator KAUFMAN in urging that this practice be stopped.

Senator KAUFMAN has studied the trading markets in great detail, communicating with regulators and industry participants. He has learned that our regulatory system for monitoring trading is outdated and that the technology and capabilities of those who seek to exploit loopholes in the rules or avoid them altogether have too often outpaced those tasked with their oversight.

Senator KAUFMAN has come to this floor many times over the past several months to warn us of the risks of our current trading market structure, and of his concerns with the inadequate regulatory process we have to police them.

On August 5, he sent a letter to Securities and Exchange Commission Chairman Schapiro outlining proposals to address some of those concerns. His thoughtful proposals make a significant contribution to the debate over how to make our financial system safer.

On May 6 of this year, we all watched helplessly as the stock market plunged nearly 1,000 points in a few minutes. While the regulators have committed to studying it and are expected to release their report soon on the root

causes of that ''flash crash,'' I cannot help but think that we in Congress owe it to families and businesses around this country to better understand what happened and to make sure we do what we can to stop it from happening again.

Although Senator KAUFMAN will soon be departing this body, we must continue his work so that those who seek to exploit our markets to the detriment of long-term investors and the real economy will not be able to do so without a battle from the Senate. Senator JACK REED is committed to doing just that. He held a hearing in May shortly after the flash crash in which he looked into the causes of the crash. I will join him and others and do all we can to respond to these high-tech threats to market fairness and transparency.

The world of trading stocks, bonds, commodities, and other financial instruments today occurs on two levels. There are those who invest for the long haul, investing in companies and products they expect to do well for some time. They drive our economy. But then there are those who seek to ''invest'' for thousandths of a second or just long enough to profit on split-second price swings. These traders argue that they provide ''liquidity'' to the markets, but in many cases they are actually hurting the markets by promoting volatility and undermining the integrity of those markets.

As Senator KAUFMAN said, we owe it to the millions of families who have their savings in the markets and to the businesses that rely on the markets for the capital they need to survive and grow to make sure our markets function properly. I applaud Senator KAUFMAN for his extraordinary work on these issues and other issues in the Senate. I thank him for his service. One way for us to recognize that service is to continue his quest for more fair and transparent markets.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BROWNBACK. I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

(The remarks of Mr. BROWNBACK are printed in today's RECORD under ''Morning Business.'')

Mr. BROWNBACK. Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

THE SHERERS: ADOPTION ANGELS

Mr. JOHANNS. Madam President, Scott and Nicole Sherer, of Lincoln, NE, are extraordinary Nebraskans who opened their hearts and homes to four beautiful children in need of parents. This is a tale of love, devotion and caring.

In 2007, Nebraska officials found a young boy named Darren, developmentally disabled—a victim of neglect.

The State removed Darren from the household and began to search for a foster family.

They didn't have to search far because Nicole and Scott Sherer were happy to take him into their home.

The following year, a little girl named Mariah was found to be a shaken baby and was taken to Children's Hospital.

Mariah's brother Christian was also removed from the home and the State again looked for a healthy home.

Once again, the Sherers did not blink. Two more children needed parents; they needed a home. Two more children found their family.

And this exceptional family still had more room in their hearts and their home.

Two year later, Darren's sister Desiree was born and was delivered to the Sherers from the hospital.

They formally adopted Christian and Mariah in April 2009 and then adopted Darren and Desiree in July 2010.

During this time, they were able to provide a safe, healthy home for a fifth little boy until a permanent home could be found. The family was able to keep the biological siblings together and provide a loving home for four children.

And the new family began their lives together.

Nicole and Scott recently celebrated their seventh wedding anniversary. They have taken in four children in need and consider themselves to be blessed.

I have great admiration for foster and adoptive parents, and I was thrilled to nominate Nicole and Scott Sherer as Adoption Angels.

Their commitment to care for these four children, to give love freely, is an inspiration for all. It is my hope that their example will inspire other couples to open their hearts and homes to children awaiting adoption.

May God bless Nicole, Scott, Darren, Desiree, Christian, and Mariah, as well as all adoptive parents who give children the gift of a loving family.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. REED are printed in today's RECORD under ''Morning Business.'')

Mr. REED. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SCHUMER. Madam President, I ask unanimous consent that I be allowed to speak as in morning business.

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

CHINESE CURRENCY MANIPULATION

Mr. SCHUMER. Madam President, I am pleased to join my colleague, Senator WEBB, in discussing serious concerns with Chinese economic and foreign policies and their impact on the United States, U.S. companies, U.S. workers, and U.S. citizens.

Earlier, we were supposed to speak together, but the vicissitudes of the floor broke us up. Earlier today, my esteemed and erudite colleague, Senator WEBB, gave an excellent address, which I hope my colleagues will read, about how China is simply taking advantage in the foreign policy area. They are pursuing policies that just move forward without any concern for the world community, for peace, for comity. It seems China is first, second, and third.

Unfortunately, they are doing the same thing in the economics sphere. I have been working with colleagues such as Senators STABENOW, BROWN, and GRAHAM to try and reverse this situation.

I rise to speak about what many of us consider the biggest sticking point in U.S.-Chinese relations: Chinese overt and continuous manipulation of its currency to gain a trade advantage over its trading partners.

The Economic Policy Institute estimates that 2.4 million American jobs were lost or displaced in manufacturing and other trade-related industries between 2001 and 2008 as a result of increased trade with China and the Chinese Government's manipulation of currency. New York has suffered some of the biggest losses with over 140,000 jobs lost or workers displaced over the past 10 years.

Accession to the WTO was supposed to bring China's policies in line with global trade rules meant to ensure free but fair trade. Instead, China has flouted those rules to spur its own economy

and export-oriented growth at the expense of its trading partners, including the United States. Clearly, our relationship in the economics sphere, as well as the foreign policy sphere and diplomatic sphere, with China needs fundamental change.

I say that loudly and clearly to the Chinese because they seem to think we are patsies. Past policies might give some corroboration to that view. Let me explain.

Six years ago, Senator GRAHAM and I came up with the idea of doing something about manipulation of currency. At first everyone said: Oh, no, this is not a problem. There were editorials in both the Wall Street Journal and New York Times that said it is OK for China to peg its currency. We were attacked from the far right and the far left and many others.

Now, at least we have made some progress. Everyone admits it is a problem. Now that we have consensus—quite broad consensus—that this is a problem, this is wrong, this is unfair, the fundamental question hangs out there: Who is going to fix this problem and how?

The administration continues—this administration, and I say that as someone who is a supporter, who continues to pin its hopes on yet more talking. This despite the fact that years of meetings and discussions with this administration and the previous administration have repeatedly failed to produce any lasting, meaningful results.

It has been 3 months since China announced it would allow its currency to appreciate for the first time since the middle of 2008. The RMB has risen less than 2 percent against the dollar, most of that appreciation taking place in the last 2 weeks.

President Obama met with Chinese Premier Wen last week to urge quicker evaluation of his country's currency. He got nothing, nothing—a big goose egg—for his efforts. It is not his fault; it is the fault of the Chinese. But when are we going to change things?

According to news reports, Premier Wen gave a standard response about gradual reform. The upcoming G20 summit in Seoul looks similarly devoid of possible progress on this issue. News reports suggest that none of the other countries are willing to push China on this issue.

Each time I have pushed the administration to take a tougher stance against China's manipulation of currency; each time they have vowed to do so. It is plain and simple: It is not working. China is merely pretending to take significant steps on its currency. This sucker's game is never going to stop unless we finally call their bluff.

China's mercantilist policies continue to undermine the health of many U.S. industries that inject billions of dollars into the U.S. economy and employ hundreds of thousands, millions of American workers. We have to do something about it—something real.

Last week, the House Ways and Means Committee voted out a bill that clarifies countervailing duties can be imposed to offset the effect of undervalued currency. I applaud Chairman LEVIN for taking a concrete step toward addressing the persistent imbalance created by China's undervalued currency. Effective enforcement of our trade laws is one tool the administration can and should use to counter China's mercantilist currency policies.

But the administration could use more than one ace up its sleeve. And that is what my bill, introduced with Senators STABENOW, GRAHAM, BROWN, BROWNBACK, WEBB, SNOWE, and others—bipartisan, across the political spectrum—would provide.

The bill gives the administration additional tools to use if countries fail to adopt appropriate policies to eliminate currency misalignment and includes tools, including the use of the countervailing duty law, to address the impact of currency misalignment on U.S. industries.

I call on the administration to support our legislation to address China's mercantilistic exchange rate policies. We must stand up for American manufacturers, American workers, and American jobs. We have to prevent the flow of billions of dollars out of our country—wealth we will never recover—every quarter as long as the Chinese continue this policy.

Critics of our bill say it would start a trade war with China, but that is not right because American companies are already fighting a war for survival in China—battling market access limitations, intellectual property theft, indigenous innovation policies, and unfair competition from heavily subsidized domestic State-owned enterprises. When are we going to learn?

Critics of our bill say it will not solve the trade deficit with China. We have never claimed it will totally solve the deficit, that is for sure. The bill is about fair trade. The bill is about a ceramics manufacturer in upstate New York that has developed a great new product that can clean the air as it goes through our new generator turbines. But China is stealing the product and is now going to sell it back to the United States at a 30-percent advantage. You can't even measure the loss we face because of China's unfair policies on currency.

Yes, critics of our bill have said it will not solve the trade deficit, but as I said, this has never been the claim. It will reduce the trade deficit, without doubt. It will keep wealth in the United States, it will keep American jobs, and it will restore some equilibrium to the American economy and the world economy.

Other critics have said China could retaliate by selling some of the trillions of dollars of Treasurys they currently hold, but we know this will not happen. China is not going to cut off its nose to spite its face. Its major wealth asset they are going to devalue? Hello, as my kids might have said when they were younger.

We must take a decisive step against China's currency manipulation and other economically injurious behavior. We have no choice but to defend and protect U.S. jobs and the U.S. economy unless and until China starts behaving like the international, law-abiding, global, emerging power it seems to be recognized as. Once and for all I say to those in the ivory towers who love to look down upon us but who don't look at the facts, the issue is not U.S. protectionism; the issue is China's flouting the rules of free trade in almost every sphere and never budging unless they are pushed to.

This is one reason why when the Senate reconvenes later this year, my colleagues and I intend to move forward with the legislation to provide specific consequences for countries that fail to adopt appropriate policies to eliminate currency misalignment and give the administration the additional tools it needs to address the impact of currency misalignment on U.S. industries.

I say to those at the other end of Pennsylvania Avenue, as well as in Beijing, this issue cannot wait for another year. It cannot wait for another new Congress. I am confident this bill will pass the Senate with overwhelming support.

Let me conclude by noting that over the past 6 years, my colleagues and I have been sending a message to the Chinese Government about their exchange rate policies and other WTO-inconsistent behavior, but apparently they refuse to listen. Ultimately, if you refuse to play by the same rules as everyone else, we will hold you accountable. Chinese currency manipulation would be unacceptable even in good economic times, but at almost 10 percent unemployment, we can't stand for it. There is no bigger step we can take than to confront China's currency manipulation.

Praise God, this is not a Democratic or Republican issue. We have broad bipartisan cosponsorship of our legislation. No one is seeking to gain political advantage. We are simply seeking to restore economic fairness. Every single one of us has manufacturers that are struggling to compete at home and abroad with Chinese exports with a built-in 20- to 40-percent price advantage. This is not about bashing China; it is about defending the United States before it is too late—before the loss of jobs and wealth that flows out of this country is almost irreparable. I call on my colleagues to join in the defense.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. INHOFE. I ask unanimous consent I be recognized as in morning business.

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

ENVIRONMENTAL OVERREGULATION

Mr. INHOFE. Madam President, I released today a minority staff report of the Senate committee on Environment and Public Works. When Republicans were in the majority I chaired the committee and now I am the ranking member, minority member. We have been concerned for quite some time now that the heavyhanded overregulation we are getting from the Environment and Public Works Committee is taking its toll on American jobs. So we released this and documented a report that examines the impact on jobs and the economy from all these EPA rules and EPA regulations.

We are covering four areas. The focus is on the boiler MACT regulations, the revised National Ambient Air Quality Standards for ozone—we are all concerned about that—I notice the new cement MACT regulations, and the endangerment findings. These are just four rules that are costing us a lot of jobs.

There are many others we could be talking about, in fact we are going to be talking about in the near future: standards for cooling water intake structures at powerplants, National Ambient Air Quality Standards for dust and particulate matter—actually, they are talking about doing one now for farm dust. I am from Oklahoma. A lot of people back here don't understand when you grow something you have to grow it in dirt. When the wind blows that is dust, but you can't regulate it. But they think they can—the new source performance standards for coal-fired powerplants and refineries, and the rules governing disposal of coal combustion waste.

What does it all mean? The American Forest and Paper Association estimates, and I am quoting them:

> . . . about two dozen new regulations being considered by the Administration under the Clean Air Act, if all are promulgated, potentially could impose on the order of $17 billion in new capital costs on papermakers and wood products manufacturers in the next five to eight years alone.

That is just for one industry. You have all the other industries that will be affected.

Before I begin, let me say the Clean Air Act was a success. I have always been a supporter of the results of the Clean Air Act. We now have cleaner air from cars, from factories, and powerplants. It has been very successful. In fact, when we were a majority and I chaired that committee, we had the 3P regulations, we had the Clear Skies regulations we tried to promulgate—we have been attempting to do this for a long period of time. However, if we are going to be competing with other countries, this overregulation is going to do nothing but send our jobs to places such as China and India and Mexico.

Of the four areas I mentioned, the first is the boiler MACT. The MACT means maximum achievable control technologies. Forget about that, just call that regulation.

The first one, the regulations, would be the boiler MACT. It would impose stringent emission limits on monitoring requirements for 11 subcategories of boilers and process heaters.

The proposed rule covers industrial boilers used in manufacturing, processing, mining, refining, as well as commercial boilers used in malls, laundries, apartments, restaurants and hotels.

The Industrial Energy Consumers of America, which represents companies with 750,000 employees, said they are ''enormously concerned that the high cost'' of the boiler regulations will leave companies no recourse but to shut down the entire facility, not just the boilers.

This is what the econometrics firm IHS-Global Insight found in its analysis of the EPA's proposal, just the one proposal. They concluded that the proposal could put up to 798,000 jobs at risk. Moreover, they said every $1 billion spent on upgrade and compliance costs will put some 16,000 jobs at risk and reduce the U.S. GDP by as much as $1.2 billion.

The EPA's pending boiler regulations also threaten my home State of Oklahoma. We have one group, a company called Covanta Energy, which in 2008 reopened the Walter B. Hall Resource Recovery Facility, a waste-to-energy plant.

This happened, actually, when I was mayor of Tulsa many years ago. We had two great needs: one to dispose of waste and the other to create energy. So we did one of the first waste-to-energy plants in America. It was done back in the early 1980s when I was mayor of Tulsa. This is something that has been working out and working successfully. But they are saying it could threaten the viability of this operation, and it is not just in my State of Oklahoma but all over the country.

These concerns are shared by 40 of my colleagues, including 18 Democrats, who wrote Lisa Jackson—she is the Administrator of the Environmental Protection Agency—a letter. Keep in mind, half of these are Democrats.

> As our Nation struggles to recover from the current recession, we are deeply concerned that the pending Clean Air Act boiler MACT regulations could impose onerous burdens on U.S. manufacturers, leading to the loss of potentially thousands of high-paying jobs this sector provides. As the national unemployment rate hovers around 10 percent, and federal, state and municipal finances continue to be in dire straits, our country should not be jeopardizing thousands of manufacturing jobs.

That is a quote from a letter, half Democrats, half Senators, 40 of us, to Lisa Jackson of the Environmental Protection Agency.

Just in the area of boiler regulation, one of the four I am going to talk about, potentially 1 million jobs could be lost. This is the problem we are having with the overregulation in this country. We have two major problems: overregulation and the fact we are not developing any power anymore, we made it so difficult. We have not had a new coal-fired powerplant in this country for quite some time. Yet China is cranking out two of them every week. This is our competition over there.

The second area is ozone. On January 6 of this year, for the second time in less than 2 years, the EPA proposed tightening the NAAQ standards for ground level ozone. Specifically, the EPA is proposing to strengthen the 8-hour ''primary'' ozone standard. The EPA estimates that setting the primary standard within its proposed range will cost between $19 and $90 billion. That is the EPA's estimate. This proposal comes at the heels of the 2008 ozone standard, which created a serious problem. The CAA, Clean Air Act, only requires revision at least 5 years. That was just 2 years ago. Now they are talking about doing it again. So the EPA is not required to revise the status quo.

Meanwhile, States are in the midst of trying to meet the 2008 requirements while some communities are not in compliance with the 1997 standards, the time they did it before.

EPA announced it is delaying the new standards until late October. Guess what. We are there. My guess is they will be delaying it until after the election because they don't want to know what hardship they are imposing upon the American people before the election. It is not hard to see why. Whatever level EPA ultimately picks, it will dramatically increase the number of so-called nonattainment areas nationwide.

Based on the 2008 air quality data, we could see as many as 608 new nonattainment areas, with many of them highly concentrated in manufacturing regions, in States relying on coal for electricity.

What does the nonattainment mean? For local communities, such as my communities in Oklahoma, it can mean loss of industry and economic development, including plant closures; loss of Federal highway and transit funding; increased EPA regulation and control over permitting decisions; increased costs for industrial facilities to implement more stringent controls; and increased fuel and energy costs.

In my State of Oklahoma, at least 15 counties would face new restrictions right now, under the 2008, and there are two counties that would be out of attainment. All these things would happen. You can't go out and recruit industry, they close down a lot of industries there now. I have listed in these remarks that will be part of the RECORD 15 counties in my State of Oklahoma that could be facing these new restrictions.

We all support cleaner air, but here is where the Obama EPA and I disagree. It should not come at the expense of people's jobs or the economy. Apparently, I am not the only one thinking this way.

On August 6, 2010, a bipartisan letter—this is the third one I am mentioning now—was sent to the EPA Administrator on the Agency's ozone reconsideration. It was signed by Senators VOINOVICH, BAYH, LUGAR, LANDRIEU, VITTER, MCCASKILL, and BOND. That is an equal number of Democrats and Republicans. They said:

> While we believe we can and should continue to improve our environment, we have become increasingly concerned that the Agency's environmental policies are being advanced to the detriment of the people they are intended to protect. That is, these policies are impacting our standard of living by drastically increasing energy costs and decreasing the ability of our states to create jobs, foster entrepreneurship, and give manufacturers the ability to compete in the global marketplace.

Again, that was just one of these four areas.

The third one would be the Portland cement regulations. This third rule is another regulation having to do with cement. According to the EPA, ''a projected 181 Portland cement kilns will be operating at approximately 100 facilities in the United States by the year 2013.'' EPA's new emission standards under section 112 of the Clean Air Act will apply to 158 of that 181. About 7 kilns will be subject to the EPA's new source performance standards under section 111 of the Clean Air Act.

The cement industry is essential to America's economy. According to a study by the Maguire Energy Institute at SMU, the cement manufacturing industry in 2008 produced $27.5 billion in GDP, $931 million in indirect tax revenues for State and local governments, and sustained 15,000 high-paying jobs.

In addition to those 15,000 direct jobs, the industry has an ''induced employment'' effect, which helps create and sustain an additional 153,000 jobs. ''Importantly,'' the Maguire Energy Institute noted ''these are primarily high-wage jobs generating about $7.5 billion annually in wages and benefits.''

According to the Portland Cement Association, EPA's regulation puts up to 18 cement plants at risk of shutting down, threatening nearly 1,800 direct jobs and 9,000 indirect jobs, accordingly. I might add, one of these would be in my State of Oklahoma. These jobs in cement production would go to China. That is what a professor from King's College in London said about the EPA's rule—coming from London:

> So rather than importing 20 million tons of cement per year, the proposed [rule] will lead to cement imports of more than 48 million tons per year. In other words, by tightening the regulations on U.S. cement kilns, there will be a risk transfer of some 28 million tons of cement offshore, mostly to China.

Senators VOINOVICH and LINCOLN wrote a bipartisan letter to Administrator Jackson, sharing these concerns back in February, saying:

> In a very real sense, if a reasonable standard is not adopted in this matter, we anticipate that substantial cement capacity may move overseas to the detriment of industrial employment. . . .

And the detriment of hundreds of thousands of people in the United States.

The fourth is my favorite. To give just a little bit of background, way back when we had the Kyoto treaty in the 1990s, there was an effort at that time to say we have catastrophic things happening, global warming and all that, as a result of primarily man-made gases. They tried through the years to pass legislation. We had the 2003 and 2005 McCain-Lieberman bills. Then we had the Markey bills and the others. I think one was a Boxer-Sanders bill. All of them were essentially doing the same thing; it was called cap and trade. It was something I characterized as the largest tax increase in the history of this country.

As a matter of fact, during the consideration of all of these bills, they estimated—and this was several—MIT, CRA, and several other institutions said that the cost to America would be somewhere between $300 and $400 billion a year.

The rule discussed is the endangerment finding. As I have documented on the Senate floor before, the EPA promulgated its endangerment finding on greenhouse gases in December of 2009, which I said could lead to the greatest bureaucratic intrusion into the lives of the American people. It would trigger costly, time-consuming permitting requirements for new and modified stationary sources for greenhouse gases such as powerplants, factories, and refineries.

So the problem with this is that when the Obama administration saw that Congress was not going to pass these very punitive tax increases called cap and trade, they decided they were going to try to do it through regulation. That is what this is all about. This is just one-fourth of the minority report we have out there that we introduced today.

The rule, in order to do this—and I will never forget because right before I went over to Copenhagen in December, we had a hearing in the Environment and Public Works Committee, and we had Lisa Jackson—I have a great deal of respect for her—before the hearing.

I said: Madam Administrator, I suspect that when I leave for Copenhagen tomorrow, you are going to have an endangerment finding.

An endangerment finding is a finding that will allow them to promulgate rules to do what they failed to be able to do in legislation.

I said: And to do that, it is going to have to be based on some science. What science would that be based on?

She said: Primarily, the science that came from the United Nations.

And the IPCC—since that time, there has been Climategate—told the truth about how they have been trying to cook the science over that period of time. So this is one that is really very serious.

But the U.S. Chamber found that if they are able to go ahead and use the emissions, it would affect 260,000 office buildings, 150,000 warehouses, 92,000 health care facilities, 71,000 hotels and motels, 51,000 food service facilities, 37,000 churches and other places of worship, and 17,000 farms. That is because they would be falling under the category—the 250 tons of emissions of CO_2 per year.

The greenhouse gas regulations will mean higher energy costs for consumers, especially for minorities and the poor.

I had the Catholic Charities in my office today. We had, actually, the man, who I learned just died this last week, with the Ohio Catholic Charities down for hearings when we were talking about all the things they were trying to do through the various bills on cap and trade. His testimony was—and these individuals were in my office today—that it disproportionately hurts poor people. For example, if someone is in poverty, there are just some things that person has to have—heating the home in the winter, transportation costs, costs that are necessary. If you are a wealthy person, that might constitute maybe 5 percent of your expendable income, but it could be 100 percent of the income of someone who is poor. So it disproportionately hurts the poor people.

This is why, on February 19, recognizing that he was going to lose a lot of jobs, Senator ROCKEFELLER, joined by seven of his Democratic colleagues, wrote—again, this is the fourth letter—to Administrator Jackson on their concern with the endangerment finding.

> We write with serious economic and energy security concerns relating to the potential regulation of greenhouse gases from stationary sources under the Clean Air Act. We remain concerned about the possible impacts on American workers and businesses and a number of industrial sectors, along with the farmers, miners and small business owners who could be affected as your energy agency moves toward the regulations for vehicle greenhouse gas emissions.

You know, as bad as things are right now, we are supposed to be able to knock down and the President said we are going to bring unemployment down to somewhere around 6 or 7 percent, and it is still right up there at 10 percent. These regulations haven't even gone into effect yet. So that is going to cause the unemployment figures to be much higher.

So I think it is important to recognize right now, before it is too late, that something can be done about this overregulation right now, and I really believe this is the opportunity that we have.

This report we just released today is on my Web site, inhofe.senate.gov, and we have now been able to get this around the country so that people know that as bad as the unemployment and overregulation is that is costing American jobs, it could be a lot worse if these four regulations get into full effect. I think it is our job here in the Chamber to recognize that we have a very serious unemployment problem in this country, a very serious overregulation problem in this country, and we can now do something about it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado.) The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, what is the status of the Senate? What are we doing? Morning business?

The PRESIDING OFFICER. The Senate is under cloture on the motion to proceed.

Mr. REID. Thank you, Mr. President.

WILDLIFE CONSERVATION AND ANIMAL WELFARE

Mr. REID. Mr. President, one piece of unfinished business we have here in the Senate is to move a series of good, commonsense bills that would benefit wildlife and domestic animals.

These wildlife conservation and animal welfare bills have already passed the House of Representatives, and for a good reason. They also have bipartisan support. Most importantly, all of these measures are supported by the American people. These aren't Democratic or Republican issues; they are issues of good moral conscience.

I have worked over the years on many bills connected to animals and wildlife. Not long ago, Senator CANTWELL and I worked with a number of our Republican colleagues to pass a felony level penalty bill for dog fighting and cock fighting. This was a bipartisan rejection of animal cruelty. Today, we have the opportunity to help a great number of species. One bill ready for action, the Shark Conservation Act, will improve Federal enforcement of an existing prohibition on the killing of sharks just for their fins. Because of a loophole in the existing law, animals are still caught, their fins are severed, and the dismembered shark is sent back into the ocean to die. But they don't just die, they suffer a horrible and protracted death—all of that cruelty for a bowl of soup.

Another important bill is the Marine Mammal Rescue Assistance Act, which will strengthen programs that provide emergency aid to seals, whales, and other marine creatures that get struck by boats or tangled in fishing lines. This happens all the time.

Other bills, such as the Crane Conservation Act, the Great Cats and Rare Canids Act, and the Southern Sea Otter Recovery Act, will protect some of the most rare and remarkable creatures anyplace on Earth. Without our help, many of these creatures could disappear within a generation.

I also wish to draw attention to the efforts of Senators MERKLEY and KYL today to clear an important bill that will end the appalling practice of animal crush videos. It is hard for me to comprehend what some people do. They torture animals and take pictures of them and sometimes sell those pictures. There are people sick enough to want to watch a little animal or a big animal be crushed and killed. They call them animal crush videos. The law we passed in 1999 outlawing these videos was struck down by the Supreme Court in April of this year. Senators KYL and MERKLEY have worked to write a more narrowly tailored bill that respects the first amendment while still punishing those who seek to profit from the torture of puppies, kittens, and other helpless animals.

As I understand it, the Supreme Court said you can't stop people from buying these videos to watch. But we can stop people from doing these terrible things that people want to watch.

I hope we can work these out and pass these by unanimous consent. Why do we need debate on these issues? These are good bipartisan bills that deserve to be passed.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, I have a number of unanimous consent requests that I am going to ask. But I have been told the Republicans want to look a few of these over, and I have no problem with that. I can do it later tonight or tomorrow sometime. These are important issues. I have given a brief synopsis of some of the awful things going on around the country as they relate to animals. We should do something to take care of this. I hope we can get these cleared. These are not great legal issues, but they are moral issues. If we can't treat animals in a fair way, we can't treat ourselves in a fair way.

When we come in, in the morning, I will ask for these consents. I appreciate my friend from Mississippi for his usual manner of being so courteous in allowing me to go forward with my statement.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. WICKER. Mr. President, I ask unanimous consent to be recognized as in morning business.

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

(The remarks of Mr. WICKER are printed in today's RECORD under ''Morning Business.'')

Mr. WICKER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 39

Mr. DURBIN. Mr. President, I ask unanimous consent that on Wednesday, September 29, at 10 a.m., the Republican leader or his designee be recognized to move to proceed to the consideration of S.J. Res. 39, a joint resolution providing for Congress's disapproval under chapter 8 of title 5 United States Code of the rule relating to the status as a grandfathered health plan under the Patient Protection and Affordable Care Act; that there be 2 hours of debate on the motion to proceed, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote on the adoption of the motion to proceed; that if the motion is successful, then there be 1 hour of debate with respect to the joint resolution, with the time divided as specified above; that upon the use or yielding back of time, the joint resolution be read a third time and the Senate then proceed to vote on passage of the joint resolution; provided further that if the motion to proceed to the joint resolution is defeated, that no further motion to proceed to the joint resolution be in order for the remainder of this Congress; further, that no amendments or any other motions be in order to the joint resolution, and that all other provisions of the statute governing consideration of the joint resolution remain in effect.

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

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

NEVADA OPERA THEATRE

Mr. REID. Mr. President, I rise today to recognize the 25th anniversary and great impact of the Nevada Opera Theatre in Las Vegas, NV. A pillar in the arts, education and entertainment in southern Nevada, we are proud of the Nevada Theatre Opera and its many achievements since inception. It is my great pleasure to honor this fine institution along with its participants, patrons and volunteers here before the U.S. Senate today.

Known as a global center of entertainment and the arts, Las Vegas, NV, enjoys an incredible atmosphere of music and theatre. Eileen Hayes desired to add the immense impact of opera to this reputation and realized her goal with the foundation of the Nevada Opera Theatre in October of 1985. She brought opera music and performance to southern Nevada. Her work has been instrumental, and since the first performance in August of 1986, audiences have been captivated by productions including: La Boheme, La Traviata, Tosca and Die Fledermaus, to name a few.

The theatre continues on today as the major nonprofit opera company in southern Nevada. Comprised of Nevada Opera Theatre artists, chorus, and children's chorus and orchestra, membership surpasses 120. Many of the included artists are nationally and internationally recognized, while others are talented regional and local performers. All artists exude an excellent caliber or professionalism in the development of their craft.

As I have previously mentioned, these citizen performers not only entertain. Opera Outreach has performed for over 115,000 Clark County School District and private students, touching a great many lives in the ongoing education of our youth. Everyone is invited to participate by either joining the theatre or becoming a patron, making the education all the more tangible. Outreach encompasses not only programs in the schools but additional programming in local malls, hospices, hospitals, and for civic and community organizations.

I join with my fellow Nevadans in honoring the Nevada Opera Theatre for its 25 years of service. Now well into its third decade, this institution has worked to bring a knowledge and appreciation of music to the people of southern Nevada, and I have no doubt that it will continue to do so for years to come. I am grateful and honored to recognize the 25th anniversary of the Nevada Opera Theatre.

TRIBUTE TO JUDGE JOHN MENDOZA

Mr. REID. Mr. President, I rise before the Senate today to call attention to one of Nevada's finest advocacy programs. This year marks the 30th Anniversary of the Court Appointed Special Advocate Program, CASA. In Clark County, NV, the CASA program became a reality as a direct result of the efforts of Judge John F. Mendoza. Today I ask my colleagues to join with me in applauding the noble deeds performed by Judge Mendoza and the CASA Program.

Born and raised in Las Vegas, NV, John received his juris doctor degree from the University of Notre Dame in 1952. After returning to Nevada, he eventually served as Clark County district attorney, North Las Vegas city attorney, and Justice of the Peace of Las Vegas Township. His Honor was elected to district court judge of the State of Nevada, a position he held for 24 years. Judge Mendoza served as the president of the National Council of Juvenile and Family Court Judges.

During his career, Judge Mendoza recognized the desperate need for skilled and timely decisionmaking in the lives of abused, neglected and abandoned children, not only in Nevada but across the country. He used his knowledge, passion, and energy to educate and extract a level of excellence when dealing with caseworkers, parents and court proceedings in regard to appropriate needs evaluation and placement. He demanded a clear vision of roles and procedures. He held caseworkers responsible to the children they represented and answerable to the court for decisions they made.

Judge Mendoza recognized the lack of quality in the court process and did not tolerate the unfortunate delays in court hearing dates which often resulted in children literally growing up without permanent homes. As a result, Judge Mendoza championed national guidelines for improving court practices in child protective cases. He helped to establish methods for monitoring court schedules to prevent unnecessary delays and to control continuances. He urged competent representation thru the CASA and guardian ad litem programs. Through his tireless efforts, family courts began to take into account not only the children's safety but also the emotional impact of separation.

A lifetime of dedication to the rights of the children of Nevada and beyond has resulted in a national program that engages volunteers to be a voice for neglected and abused children. Each CASA volunteer in turn has an opportunity to walk in the footsteps of Judge John Mendoza in making a meaningful and constructive difference. Those footsteps lead to protecting and preserving the rights and interests of children who are unsafe in their own homes; to insuring that all aspects of the family court system perform in a child's best interest and secures a safe and permanent home for that child.

I am deeply grateful for the work performed by CASA and its many volunteers. The chance to advocate on behalf of someone in need is the greatest opportunity afforded to those who serve in our legal system. I stand before the Senate today and thank the CASA program and Judge Mendoza for these 30 years of remarkable service.

TRIBUTE TO CHIEF JUSTICE JEFF AMESTOY

Mr. LEAHY. Mr. President, this summer, Marcelle and I were honored to be at the Vermont Supreme Court with former Supreme Court Justice Jeff Amestoy, his wife Susan, and their daughters. Like all Vermonters, I have respected his tenure, both as attorney general and as chief justice, as both were exemplary. While the portrait captures the image of the Jeff Amestoy his friends honor and care for, his words are what should be read by everyone who cares about our judiciary. Jeff's commitment to the law, our justice system, and our sense of what makes Vermont the State we love is in his words. They were so impressive I asked him for a copy, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF CHIEF JUSTICE JEFF AMESTOY (RETIRED) AT PORTRAIT CEREMONY

VERMONT SUPREME COURT

(Montpelier, VT, Aug. 13, 2010)

Governor Douglas, Senator Leahy, Chief Justice Reiber, family and friends:

Thank you for the honor you do me by attending this ceremony. Thank you Justice Burgess for your generous introductory remarks. Brian Burgess served as Deputy Attorney General when I was Attorney General. I doubt that either of us could have foreseen this day but here we are together again. History may not repeat itself, but it sometimes rhymes.

Thank you Kenneth McIntosh Daly—artist, rancher, and friend who has once again made the trip from California to Vermont.

And thank you to my daughters Katherine, Christina, and Nancy for the unveiling.

This September I begin my seventh year as a Fellow at the Harvard Kennedy School nearly as long as I served on the Supreme Court of Vermont.

For those of you wondering how a Harvard Fellow spends his time, I can say I have spent the better part of the last two years living in the nineteenth century—more precisely in the Boston of the decade before the Civil War.

It was a time when a young man working as a waiter in a coffee house, or a clerk in a clothing store, could be seized by agents of the United States Government, brought before a Judge, and under the provisions of the new Fugitive Slave Law (where no process was due), be sent back into slavery.

Contrary to what I thought I knew about American history, Boston in the period leading up to the Civil War, was in the words of Charles Francis Adams, Jr., ''almost avowedly a proslavery community.'' ''It was a time'' wrote Emerson, ''when judges, bank presidents, railroad men, men of fashion, and lawyers universally all took the side of slavery.''

Well, almost all. I am interested in understanding how a society, and particularly the legal establishment of 1850s Boston, was transformed from the beginning of the decade when Daniel Webster said ''no lawyer who makes more than $40 a year is against the Fugitive Slave Law,'' to the end of the decade when lawyers literally went to war against it.

My window on that time, curiously enough, opened when I saw a portrait of a lawyer of that period.

So this day, for many reasons, has prompted me to look to a future as far removed from us today as the Boston of 1850. A century from now when each of us will be someone's memory, there will be, I trust, remembrances of things past.

In some building if not this one, there will be a wall where portraits of forgotten Chief Justices still hang—or where an enterprising curator has retrieved old paintings and artifacts for an exhibit of our times.

And on some class field trip (for those will always be with us), among a group of very bored students, there may be (if the world is lucky to still have teachers as inspiring as Mrs. Amestoy), a bright, curious student who will pause in front of this painting.

She will not, of course, recognize its subject, but as she looks through the window in the portrait, she will see Mt. Mansfield. And the window of the painting will begin to open for her a window on our time.

Our young historian will immerse herself in the flood of newspapers, opinions, and books of those long ago days at the beginning of the twenty-first century. On the basis of the documentation and her own insight, she will attempt to bring to life the color and passion when the social changes were so profound that even on our own time scholars characterized the upheaval as ''The Great Disruption.''

If our young scholar has had a history teacher as good as Mr. Remington, she will know she cannot rely on a single perspective. (In any event, my autobiography, The Indispensable Man, will long be out of print). But our future historian will be struck, as many historians have been, by the disproportionate impact Vermont has had on American history. She will not lack in material looking back at our time.

One Vermont Senator whose unparalleled leadership of the Senate Judiciary Committee, and pivotal endorsement of America's first African-American President, will echo down the halls of history; another whose rejection of the narrow partisanship of his party realigned the political balance of the United States Senate. A Governor whose candidacy for the Presidency altered the nature of presidential campaigns; another whose exemplary service at the beginning of the twenty-first century reflected the virtues Vermont's eighteenth century constitution calls ''absolutely necessary . . . the firm adherence to justice, moderation, temperance, industry, and frugality.''

Our historian will read of an opinion of the Vermont Supreme Court that framed a debate for a nation. And of the people of Vermont who demonstrated what the result is when that debate is conducted with respect and resolved in humanity.

If the Vermont of the twenty-second century is as blessed as ours, there will still be a justice system that ''speaks for principle and listens for change.'' Just as the Commission on the Future of Vermont's Justice System envisioned when on the eve of the twenty-first century a new Chief Justice wrote: ''if the future is realized in the way every member of the Commission devoutly wishes it to be, a century hence our successors will hear these fundamental principles resonate as clearly as we hear them resonate today.''

I am optimistic about that future. How could I not be with these daughters?

This portrait (assuming, of course, it is actually hung) may gather dust well into the next century. As school field trips will endure, I am confident that so too will the duty of new law clerks to conduct students on tours.

To the question: ''Who is that in the painting?'' I trust that current and future clerks will always know the answer is: ''A Vermonter.''

ROBERT C. BYRD MINE AND WORKPLACE SAFETY ACT

Mr. HARKIN. Mr. President, I rise to express my strong support for the Robert C. Byrd Mine and Workplace Safety Act. This bill establishes vital new workplace safety measures and it deserves consideration here on the Senate floor.

In 2009, there were 4,340 workplace fatalities. In my home State of Iowa, 78 people were killed on the job. This year, we have already witnessed the horrific mine catastrophe that killed 29 people in West Virginia, the fire at the Tesoro oil refinery in Washington State that killed 7 workers, and the BP Deepwater Horizon platform explosion that killed 11 people and was an environmental catastrophe for the Gulf of Mexico.

As the son of a coal miner, I feel these losses very deeply, on a very personal level. My heart goes out to the family and coworkers of every worker who is killed or injured on the job. Too many of these tragedies are preventable, and we should not rest until the day that no hardworking American has to sacrifice his or her life for a paycheck.

History teaches us that stronger laws protecting worker safety make a big difference, but our current laws are not doing the job. That is why I strongly support the Robert C. Byrd Mine and Workplace Safety Act, which would make long overdue improvements to our workplace safety laws and save the lives of many thousands of hardworking Americans.

For months, we have been negotiating with Republicans trying to agree to a bipartisan bill that improves workplace safety. I think it is fair to say there have been setbacks in our discussions recently, but we want and intend to keep working with our Republican colleagues to craft a bipartisan bill—in this Congress or early in the next—that we can get to the President's desk.

This has been a long and difficult process as we try to reconcile policy differences between Democrats and Republicans on these important issues. Nevertheless, we will keep working to bridge those differences because it is critical that we find a way to agree on legislation that is consistent with certain core principles:

Every American deserves to go to work without fearing for his or her life;

Responsible businesses that put safety first shouldn't have to compete with businesses that prioritize a quick buck over the safety of their employees;

Employers who put workers' lives at risk should face serious consequences that will force them to change their ways;

Companies shouldn't be able to hide behind high priced lawyers and convoluted corporate forms to avoid being held accountable for their actions;

Critical agencies charged with protecting workers' lives should have all the tools they need to get the job done; and

Whistleblowers are the first line of defense in safe workplaces, and deserve strong protection from discrimination and retaliation.

While there may be many ways to achieve these goals, the Robert C. Byrd Mine and Workplace Safety Act clearly reflects these core principles, and its passage would be a major step forward for workplace safety. That is why I am proud to be a cosponsor of the bill, and that is why I would ask my Republican colleagues to give us an opportunity to debate this legislation on the floor.

This legislation makes common sense reforms to the Occupational Safety and Health Act, which has not been significantly updated since it was passed 40 years ago. For example, whistleblower protection under the act is toothless and unfairly tilted against workers who risk their career to protect the public welfare. This bill makes essential changes to ensure that workers are protected, including lengthening OSHA's 30-day statute of limitation for whistleblowers, providing for reinstatement while the legal process unfolds for cases with an initial finding of merit, and giving the worker the right to file their own claim in court if the government does not investigate the claim in a timely manner.

The bill also strengthens criminal and civil penalties that, at present, are too weak to protect workers. Under current law, an employer may be charged—at most—with a misdemeanor when a willful violation of OSHA leads to a worker's death. Under the Robert

C. Byrd Mine and Workplace Safety Act, felony charges are available for an employer's repeated and willful violations of OSHA that result in a worker's death or serious injury. The bill also updates OSHA civil penalties, which have been unchanged since 1990, and sets a minimum penalty of $50,000 for a worker's death caused by a willful violation.

In addition to toughening sanctions for employers who needlessly expose their employees to risk, the bill makes sure that the government is responsive to the worker when investigating the charges. It guarantees victims the right to meet with the person investigating the claim, to be notified of and receive copies of reports or citations issued in the investigation, and to be notified of and have the right to appear at proceedings related to their case. Victims of retaliation should not suffer the double indignity of being ignored by government officials charged with protecting them.

The bill also makes critical changes in our mine safety laws. We still don't know exactly what caused the tragic death of 29 miners at Upper Big Branch, but we do know that the mine had an appalling safety record, and that the tragedy might have been prevented had the Mine Safety Health Administration, MSHA, had effective tools to target such a chronically unsafe mine.

We have provisions in our laws that are supposed to target repeat offenders—called the ''pattern of violations'' process—but this system is broken and badly needs to be revamped.

As bad as Upper Big Branch's record was, the law has been interpreted to allow it to continue operating without ''pattern of violation'' treatment as long as its operators can reduce their violations by more than one third in response to a written warning. With a record as spotty as Upper Big Branch's, a partial reduction in its numerous citations is hardly a sign of a safe mine, and it should not be a ''get out of jail free'' card to escape the intent of the law.

Operators are also finding creative ways to ensure that the system cannot work as Congress intended. Some chronic violators have avoided being placed on ''pattern of violation'' status and avoided paying legitimate penalties by contesting nearly every citation that is assessed against them. Because MSHA uses only final orders to establish a pattern of violations and there is a substantial backlog of cases the Federal Mine Safety and Health Review Commission, repeat offenders are able to evade pattern of violations status by contesting large numbers of violations. At the Upper Big Branch coal mine, for example, Massey contested 97 percent of its ''significant and substantial'' violations in 2007. These appeals can take up to three years to resolve, virtually guaranteeing that mines are never placed on pattern status.

MSHA needs to be able to respond to safety concerns in real time, not 3 years later. This legislation changes the pattern of violation system so that MSHA will be able to address unsafe conditions as they occur, and gives MSHA the enforcement tools it needs to put dangerous mines back on track.

Let me respond to recent suggestions that Democrats have been playing political theatre with important safety and health legislation. We want to pass bipartisan legislation based on a shared commitment to workplace safety. I am thoroughly committed to that process, and I hope it continues. But we will not support weak or ineffective reforms in the name of bipartisanship.

Workplace accidents—whether in a mine, an oil refinery, or wherever—are preventable. All we are asking for is an opportunity to debate, amend, and vote on a bill that will make real progress in improving the safety of our most dangerous workplaces. If we are not allowed that opportunity today, I plan to keep pressing forward on this issue until we get that chance. It is far too important, and too many lives are at stake, to give up now.

ADDITIONAL STATEMENTS

HAWAII BLUE RIBBON SCHOOLS

● Mr. AKAKA. Mr. President, today I congratulate three Hawaii schools for being recognized as Blue Ribbon Schools for 2010 by the U.S. Department of Education. These schools, Ewa Beach Elementary School, Momilani Elementary School, and Royal School, serve as models of success and accomplishment.

The Blue Ribbon Schools Program honors public and private elementary, middle, and high schools whose students achieve at very high levels or have made significant progress and helped close gaps in achievement, especially among disadvantaged and minority students.

The program is part of a larger Department of Education effort to identify and disseminate knowledge about best school leadership and teaching practices.

I wish to extend my aloha to the principals: Sherry Lee Kobayashi of Ewa Beach, Doreen Higa of Momilani, and Ann Sugibayashi of Royal. As a former principal, I know firsthand the dedication that goes into leading schools and staffs, and I commend them for their hard work on behalf of their students and communities. I also commend the students, families, teachers, and staff of all three schools for their contributions towards this recognition.

I am proud of all that our keiki, the children, can accomplish when they are given access to quality education. My sincere mahalo, thanks, again, to Ewa Beach Elementary School, Momilani Elementary School, and Royal School for their efforts to give our students the best education possible. I offer my congratulations to all 2010 Blue Ribbon Schools nationwide and my sincere wishes for success in their futures.●

BROOMFIELD COMPOSITE SQUADRON

● Mr. BENNET. Mr. President, I congratulate the Broomfield Composite Squadron for being named the 2010 Civil Air Patrol Squadron of Distinction. This honor speaks to the dedication and hard work of each cadet and senior member, as well as the squadron's leadership in providing outstanding programs and recruitment.

The Broomfield Composite Squadron was selected as the squadron with the best performance from all 50 States, the District of Columbia, and Puerto Rico for its excellence in cadet programs, rapid increase in membership, and high percentage of cadet progression through the program.

Communities across Colorado and the country have come to depend on the Civil Air Patrol in times of emergency for search and rescue expertise, but CAP's development and education of young leaders is equally important. The Broomfield Composite Squadron's success in this area, and its recognition as the best in the country, means that Colorado is especially lucky to have so many young people willing to serve their community, learn about aerospace technology, and prepare for their futures.

All of Colorado is proud and grateful for the Broomfield Composite Squadron's commitment to serving as a model for CAP squadrons across the country.●

TRIBUTE TO TERRY ALLEN PERL

● Mr. CARDIN. Mr. President, I would like my colleagues to join me today in honoring the work of Terry Allen Perl, who has served the Chimes Family of Services for 40 years.

The Chimes Family of Services is an international agency delivering a wide variety of support to more than 17,000 people. Chimes offers an extensive range of services from educational services to residential support and psychiatric services. It serves people of all ages and varying levels of ability, providing assistance to people with developmental disabilities, mental illness, and other specialized needs. It offers an important support network to people with disabilities and their families as they work to achieve their goals, aspirations, and dreams.

Terry Allen Perl started his career with Chimes, Inc. in January of 1971. He was the first director of a community-based residential facility in the

State of Maryland for people with intellectual disabilities. His vision and leadership over the intervening years have led to the extraordinary success of the organization as he has helped to expand its educational, habilitation, employment, vocational, residential, and support services.

Under Mr. Perl's leadership, Chimes has moved from being a provider of services to one of the largest contractors employing people with disabilities. Chimes provides janitorial and facility services for the U.S. Government and for the State of Maryland.

Under Mr. Perl's guidance, Chimes has expanded from serving 200 people in the Baltimore area to more than 17,000 people from North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, the District of Columbia, and the State of Israel.

Mr. Pearl has received numerous awards and honors in recognition of his innovative and pioneering programs. He has been a leader and member of numerous professional organizations including: ANCOR, American Network of Community Options and Resources, CARF, Commission on Accreditation of Rehabilitation Facilities, AAMR, American Association on Mental Retardation, Maryland Works, Baltimore City Mayor's Commission on Disabilities, Developmental Disabilities Council, Baltimore County Workforce Investment Council, and the Baltimore County Commission on Disabilities. He is a frequent lecturer, consultant, and advisor to numerous provider agencies, advocacy groups, associations, and government entities. During his tenure as president and chief executive officer, Chimes has become nationally and internationally recognized as a provider of services and jobs for those with disabilities.

I hope my colleagues will join me in thanking Terry Allen Perl for his 40 years of dedicated service to the Chimes Family of Services organization and for his outstanding contributions to improving the lives of people with disabilities and their families and communities in Maryland, throughout our Nation, and in Israel.●

BALTIMORE JOB OPPORTUNITIES TASK FORCE

● Mr. CARDIN. Mr. President, I encourage my colleagues to join me in paying special tribute to the Job Opportunities Task Force, JOTF, an independent advocacy and monitoring organization in Baltimore, MD, that is celebrating 10 years of service.

JOTF was begun in 1996 by a handful of people who were concerned about job opportunities for low-skilled job seekers in the Baltimore area. They called themselves the Job Opportunities Task Force, and they hoped they could help unemployed and underemployed men and women. They had a short-term goal, which was to come up with ideas and recommendations that would break down barriers to better employment and to bring private and public partners together to implement these changes.

In 1997, the Abell Foundation gave JOTF a grant to prepare a report on the job gap that would present detailed information about what types of jobs were available in the Baltimore region, where they were located, what they paid, what levels of education and skills were required, and where the potential workers were. The report, entitled ''Baltimore Area Jobs and Low Skill Job Seekers,'' was published in 1999 and revealed many gaps between the workforce and the jobs that were available—far too many impediments to be solved with a few meetings.

Since its incorporation in 2000, JOTF has become a leading voice on workforce issues in Maryland, supporting a range of State policy initiatives and budget decisions, including increased investment in adult education and job training in communities and in prisons. JOTF has lobbied to expand the earned income tax credit, reduce barriers to (re)employment for ex-offenders, and reform unemployment insurance.

JOTF designs programs that create viable career paths for low-wage workers, helping them reach higher wage jobs in industries that need more skilled workers. A good example of JOTF's success is JumpStart, a pre-apprenticeship program created and managed by JOTF that trains 100 low-wage Baltimore residents each year to become licensed electricians, plumbers, or carpenters. JOTF also convenes public meetings on local and national topics related to employment and the workforce. These meetings attract employers, policymakers, interested citizens, and direct service providers. JOTF's research informs policymakers and the public and encourages the development of programs based on best practices. It explores the impact of specific policies and provides recommendations on how policies can better serve workers, families, employers, and the State's economy.

JOTF is making a significant difference in Maryland. I urge my colleagues to join me today in congratulating JOTF's founding chair, Joanne Nathans, whose gentle nature and steely convictions have improved the lives of countless Baltimoreans and their families. Please join me in sending best wishes to JOTF on the occasion of its 10th anniversary and in thanking JOTF for improving the lives of Maryland job seekers, workers, and their families.●

DAKOTA WESLEYAN UNIVERSITY

● Mr. JOHNSON. Mr. President, today I wish to celebrate the 125th anniversary of the founding of Dakota Wesleyan University, DWU, in Mitchell, SD. DWU has provided a well-rounded education that emphasizes learning, leadership, faith, and service to its students since its founding 125 years ago. Graduates of the university have gone on to become great community and professional leaders. Today, under the leadership of President Robert Duffett, DWU strives to connect its proud heritage with its promising future.

In 1883, a group of Methodist settlers received a charter to found the Dakota Wesleyan University. DWU serves as the university for the Dakotas Conference of the United Methodist Church. Soon after the university opened, Dakota Wesleyan students demonstrated their success through their excellent oratorical skills. They participated in the Intercollegiate Oratorical Contest and won 5 of its first 11 competitions. This is just one of many examples of DWU students' ability to excel.

With a student body just larger than 750 people, the university offers a very personalized experience. The university is composed of three colleges: the College of Arts and Humanities, the College of Healthcare, Fitness and Sciences, and the College of Leadership and Public Service. These colleges allow for students to pursue an education in both liberal arts and professional programs.

In addition to academic programs, students also participate in service work to aid people in South Dakota and around the world. Recent mission trip locations have included Tanzania and Mexico, where students served those living in extreme poverty. Through the Leadership and Public Service Program, students have the opportunity to study contemporary issues and perform public service through internship placements. Such broad educational opportunities provided by DWU help students explore citizenry locally and internationally.

On Saturday, October 2, 2010, DWU will celebrate its Blue and White Bash at the Corn Palace in Mitchell, SD. Dakota Wesleyan University has provided our State quality education and a positive social environment. DWU students are well equipped to succeed in a competitive world, delivering countless benefits to organizations and communities close to home and around the globe. With alumni as accomplished as former U.S. Senator George McGovern and his wife Eleanor McGovern, DWU continues to live up to its mission of being ''a leading university that educates students to identify and develop their individual talents for successful lives in service to God and the common good.''●

REMEMBERING TED WILLIAMS

● Mr. KERRY. Mr. President, baseball celebrates ''walk off'' home runs, the

four baggers that bring a game to an end. But 50 years ago today, the greatest hitter who ever lived, No. 9, Ted Williams, hit the ultimate ''walk off'' homer. After 21 seasons with our Red Sox, ''The Kid'' homered deep into right field in his very last at bat. At 42, despite the toll of nagging injuries, some of which dated back to his combat tours, Ted lofted the ball into the right field bleachers, not all that far from the spot where he hit the longest homerun in the history of Fenway Park at 502 feet. To this day the record stands and the seat in those bleachers is memorialized in red. This home run might not have been the longest but it was a fitting farewell to the game he loved so much—and excelled at like no other. He was bigger than life.

We revered Ted Williams for many reasons—for what he did on the field, and off of it as well. It was not just his lifelong commitment to the Jimmy Fund, but the selfless way he twice walked away from baseball and served his country in uniform in World War II and in Korea where he was wingman to another icon, John Glenn. He was a two time American League Most Valuable Player, boasted a career batting average of .344, an on base percentage of .551, lead the league in batting six times, and hammered 521 home runs. Ted Williams was guts and grit personified—and all of Red Sox Nation was grateful for the special way he welcomed us into his hearts in his final years, at last tipping his cap to the fans of Boston, and letting us say goodbye to him one last time at the 1999 All Star Game in Boston when—on the Fenway mound—he was surrounded by the great players of the 20th century who were in awe of our own 'Splendid Splinter.' It was one final moment of magic in a career—and life—seemingly ripped from a story-book.

But it was that last home run that John Updike remembers in the extraordinary ''Hub Fans Bid Kid Adieu,'' an essay that captures the greatness of Ted Williams far better than any of us could—and still today, 50 years later, speaks to the Red Sox faithful, and baseball fans across the country. I ask to have this essay printed in the RECORD, and I thank the Senate for taking time today to remember an American icon—Boston's own Ted Williams.

HUB FANS BID KID ADIEU

(By John Updike)

Fenway Park, in Boston, is a lyric little bandbox of a ballpark. Everything is painted green and seems in curiously sharp focus, like the inside of an old-fashioned peeping-type Easter egg. It was built in 1912 and rebuilt in 1934, and offers, as do most Boston artifacts, a compromise between Man's Euclidean determinations and Nature's beguiling irregularities. Its right field is one of the deepest in the American League, while its left field is the shortest; the high left-field wall, three hundred and fifteen feet from home plate along the foul line, virtually thrusts its surface at right-handed hitters. On the afternoon of Wednesday, September 28th, as I took a seat behind third base, a uniformed groundkeeper was treading the top of this wall, picking batting-practice home runs out of the screen, like a mushroom gatherer seen in Wordsworthian perspective on the verge of a cliff. The day was overcast, chill, and uninspirational. The Boston team was the worst in twenty-seven seasons. A jangling medley of incompetent youth and aging competence, the Red Sox were finishing in seventh place only because the Kansas City Athletics had locked them out of the cellar. They were scheduled to play the Baltimore Orioles, a much nimbler blend of May and December, who had been dumped from pennant contention a week before by the insatiable Yankees. I, and 10,453 others, had shown up primarily because this was the Red Sox's last home game of the season, and therefore the last time in all eternity that their regular left fielder, known to the headlines as TED, KID, SPLINTER, THUMPER, TW, and, most cloyingly, MISTER WONDERFUL, would play in Boston. ''WHAT WILL WE DO WITHOUT TED? HUB FANS ASK'' ran the headline on a newspaper being read by a bulb-nosed cigar smoker a few rows away. Williams' retirement had been announced, doubted (he had been threatening retirement for years), confirmed by Tom Yawkey, the Red Sox owner, and at last widely accepted as the sad but probable truth. He was forty-two and had redeemed his abysmal season of 1959 with a—considering his advanced age—fine one. He had been giving away his gloves and bats and had grudgingly consented to a sentimental ceremony today. This was not necessarily his last game; the Red Sox were scheduled to travel to New York and wind up the season with three games there.

I arrived early. The Orioles were hitting fungos on the field. The day before, they had spitefully smothered the Red Sox, 17–4, and neither their faces nor their drab gray visiting-team uniforms seemed very gracious. I wondered who had invited them to the party. Between our heads and the lowering clouds a frenzied organ was thundering through, with an appositeness perhaps accidental, ''You maaaade me love you, I didn't wanna do it, I didn't wanna do it . . .''

The affair between Boston and Ted Williams has been no mere summer romance; it has been a marriage, composed of spats, mutual disappointments, and, toward the end, a mellowing hoard of shared memories. It falls into three stages, which may be termed Youth, Maturity, and Age; or Thesis, Antithesis, and Synthesis; or Jason, Achilles, and Nestor.

First, there was the by now legendary epoch when the young bridegroom came out of the West, announced ''All I want out of life is that when I walk down the street folks will say 'There goes the greatest hitter who ever lived.' '' The dowagers of local journalism attempted to give elementary deportment lessons to this child who spake as a god, and to their horror were themselves rebuked. Thus began the long exchange of backbiting, hat-flipping, booing, and spitting that has distinguished Williams' public relations. The spitting incidents of 1957 and 1958 and the similar dockside courtesies that Williams has now and then extended to the grandstand should be judged against this background: the left-field stands at Fenway for twenty years have held a large number of customers who have bought their way in primarily for the privilege of showering abuse on Williams. Greatness necessarily attracts debunkers, but in Williams' case the hostility has been systematic and unappeasable. His basic offense against the fans has been to wish that they weren't there. Seeking a perfectionist's vacuum, he has quixotically desired to sever the game from the ground of paid spectatorship and publicity that supports it. Hence his refusal to tip his cap to the crowd or turn the other cheek to newsmen. It has been a costly theory—it has probably cost him, among other evidences of good will, two Most Valuable Player awards, which are voted by reporters—but he has held to it from his rookie year on. While his critics, oral and literary, remained beyond the reach of his discipline, the opposing pitchers were accessible, and he spanked them to the tune of .406 in 1941. He slumped to .356 in 1942 and went off to war.

In 1946, Williams returned from three years as a Marine pilot to the second of his baseball avatars, that of Achilles, the hero of incomparable prowess and beauty who nevertheless was to be found sulking in his tent while the Trojans (mostly Yankees) fought through to the ships. Yawkey, a timber and mining maharajah, had surrounded his central jewel with many gems of slightly lesser water, such as Bobby Doerr, Dom DiMaggio, Rudy York, Birdie Tebbetts, and Johnny Pesky. Throughout the late forties, the Red Sox were the best paper team in baseball, yet they had little three-dimensional to show for it, and if this was a tragedy, Williams was Hamlet. A succinct review of the indictment—and a fair sample of appreciative sports-page prose—appeared the very day of Williams' valedictory, in a column by Huck Finnegan in the Boston American (no sentimentalist, Huck):

Williams' career, in contrast [to Babe Ruth's] has been a series of failures except for his averages. He flopped in the only World Series he ever played in (1946) when he batted only .200. He flopped in the playoff game with Cleveland in 1948. He flopped in the final game of the 1949 season with the pennant hinging on the outcome (Yanks 5, Sox 3). He flopped in 1950 when he returned to the lineup after a two-month absence and ruined the morale of a club that seemed pennant-bound under Steve O'Neill. It has always been Williams' records first, the team second, and the Sox non-winning record is proof enough of that.

There are answers to all this, of course. The fatal weakness of the great Sox slugging teams was not-quite-good-enough pitching rather than Williams' failure to hit a home run every time he came to bat. Again, Williams' depressing effect on his teammates has never been proved. Despite ample coaching to the contrary, most insisted that they liked him. He has been generous with advice to any player who asked for it. In an increasingly combative baseball atmosphere, he continued to duck beanballs docilely. With umpires he was gracious to a fault. This courtesy itself annoyed his critics, whom there was no pleasing. And against the ten crucial games (the seven World Series games with the St. Louis Cardinals, the 1948 playoff with the Cleveland Indians, and the two-game series with the Yankees at the end of the 1949 season, winning either one of which would have given the Red Sox the pennant) that make up the Achilles' heel of Williams' record, a mass of statistics can be set showing that day in and day out he was no slouch in the clutch. The correspondence columns of the Boston papers now and then suffer a sharp flurry of arithmetic on this score; indeed, for Williams to have distributed all his hits so they did nobody else any good would

constitute a feat of placement unparalleled in the annals of selfishness.

Whatever residue of truth remains of the Finnegan charge those of us who love Williams must transmute as best we can, in our own personal crucibles. My personal memories of Williams begin when I was a boy in Pennsylvania, with two last-place teams in Philadelphia to keep me company. For me, ''W'ms, lf'' was a figment of the box scores who always seemed to be going 3-for-5. He radiated, from afar, the hard blue glow of high purpose. I remember listening over the radio to the All-Star Game of 1946, in which Williams hit two singles and two home runs, the second one off a Rip Sewell ''blooper'' pitch; it was like hitting a balloon out of the park. I remember watching one of his home runs from the bleachers of Shibe Park; it went over the first baseman's head and rose meticulously along a straight line and was still rising when it cleared the fence. The trajectory seemed qualitatively different from anything anyone else might hit. For me, Williams is the classic ballplayer of the game on a hot August weekday, before a small crowd, when the only thing at stake is the tissue-thin difference between a thing done well and a thing done ill. Baseball is a game of the long season, of relentless and gradual averaging-out. Irrelevance—since the reference point of most individual games is remote and statistical—always threatens its interest, which can be maintained not by the occasional heroics that sportswriters feed upon but by players who always care; who care, that is to say, about themselves and their art. Insofar as the clutch hitter is not a sportswriter's myth, he is a vulgarity, like a writer who writes only for money. It may be that, compared to managers' dreams such as Joe DiMaggio and the always helpful Stan Musial, Williams is an icy star. But of all team sports, baseball, with its graceful intermittences of action, its immense and tranquil field sparsely settled with poised men in white, its dispassionate mathematics, seems to me best suited to accommodate, and be ornamented by, a loner. It is an essentially lonely game. No other player visible to my generation has concentrated within himself so much of the sport's poignance, has so assiduously refined his natural skills, has so constantly brought to the plate that intensity of competence that crowds the throat with joy.

By the time I went to college, near Boston, the lesser stars Yawkey had assembled around Williams had faded, and his craftsmanship, his rigorous pride, had become itself a kind of heroism. This brittle and temperamental player developed an unexpected quality of persistence. He was always coming back—back from Korea, back from a broken collarbone, a shattered elbow, a bruised heel, back from drastic bouts of flu and ptomaine poisoning. Hardly a season went by without some enfeebling mishap, yet he always came back, and always looked like himself. The delicate mechanism of timing and power seemed locked, shockproof, in some case outside his body. In addition to injuries, there were a heavily publicized divorce, and the usual storms with the press, and the Williams Shift—the maneuver, custom-built by Lou Boudreau, of the Cleveland Indians, whereby three infielders were concentrated on the right side of the infield, where a left-handed pull hitter like Williams generally hits the ball. Williams could easily have learned to punch singles through the vacancy on his left and fattened his average hugely. This was what Ty Cobb, the Einstein of average, told him to do. But the game had changed since Cobb; Williams believed that his value to the club and to the game was as a slugger, so he went on pulling the ball, trying to blast it through three men, and paid the price of perhaps fifteen points of lifetime average. Like Ruth before him, he bought the occasional home run at the cost of many directed singles—a calculated sacrifice certainly not, in the case of a hitter as average-minded as Williams, entirely selfish.

After a prime so harassed and hobbled, Williams was granted by the relenting fates a golden twilight. He became at the end of his career perhaps the best old hitter of the century. The dividing line came between the 1956 and the 1957 seasons. In September of the first year, he and Mickey Mantle were contending for the batting championship. Both were hitting around .350, and there was no one else near them. The season ended with a three-game series between the Yankees and the Sox, and, living in New York then, I went up to the Stadium. Williams was slightly shy of the four hundred at-bats needed to qualify; the fear was expressed that the Yankee pitchers would walk him to protect Mantle. Instead, they pitched to him—a wise decision. He looked terrible at the plate, tired and discouraged and unconvincing. He never looked very good to me in the Stadium. (Last week, in Life, Williams, a sportswriter himself now, wrote gloomily of the Stadium, ''There's the bigness of it. There are those high stands and all those people smoking—and, of course, the shadows. . . . It takes at least one series to get accustomed to the Stadium and even then you're not sure.'') The final outcome in 1956 was Mantle .353, Williams .345.

The next year, I moved from New York to New England, and it made all the difference. For in September of 1957, in the same situation, the story was reversed. Mantle finally hit .365; it was the best season of his career. But Williams, though sick and old, had run away from him. A bout of flu had laid him low in September. He emerged from his cave in the Hotel Somerset haggard but irresistible; he hit four successive pinch-hit home runs. ''I feel terrible,'' he confessed, ''but every time I take a swing at the ball it goes out of the park.'' He ended the season with thirty-eight home runs and an average of .388, the highest in either league since his own .406, and, coming from a decrepit man of thirty-nine, an even more supernal figure. With eight or so of the ''leg hits'' that a younger man would have beaten out, it would have been .400. And the next year, Williams, who in 1949 and 1953 had lost batting championships by decimal whiskers to George Kell and Mickey Vernon, sneaked in behind his teammate Pete Runnels and filched his sixth title, a bargain at .328.

In 1959, it seemed all over. The dinosaur thrashed around in the .200 swamp for the first half of the season, and was even benched (''rested,'' Manager Mike Higgins tactfully said). Old foes like the late Bill Cunningham began to offer batting tips. Cunningham thought Williams was jiggling his elbows; in truth, Williams' neck was so stiff he could hardly turn his head to look at the pitcher. When he swung, it looked like a Calder mobile with one thread cut; it reminded you that since 1953 Williams' shoulders had been wired together. A solicitous pall settled over the sports pages. In the two decades since Williams had come to Boston, his status had imperceptibly shifted from that of a naughty prodigy to that of a municipal monument. As his shadow in the record books lengthened, the Red Sox teams around him declined, and the entire American League seemed to be losing life and color to the National. The inconsistency of the new superstars—Mantle, Colavito, and Kaline—served to make Williams appear all the more singular. And off the field, his private philanthropy—in particular, his zealous chairmanship of the Jimmy Fund, a charity for children with cancer—gave him a civic presence somewhat like that of Richard Cardinal Cushing. In religion, Williams appears to be a humanist, and a selective one at that, but he and the Cardinal, when their good works intersect and they appear in the public eye together, make a handsome and heartening pair.

Humiliated by his '59 season, Williams determined, once more, to come back. I, as a specimen Williams partisan, was both glad and fearful. All baseball fans believe in miracles; the question is, how many do you believe in? He looked like a ghost in spring training. Manager Jurges warned us ahead of time that if Williams didn't come through he would be benched, just like anybody else. As it turned out, it was Jurges who was benched. Williams entered the 1960 season needing eight home runs to have a lifetime total of 500; after one time at bat in Washington, he needed seven. For a stretch, he was hitting a home run every second game that he played. He passed Lou Gehrig's lifetime total, then the number 500, then Mel Ott's total, and finished with 521, thirteen behind Jimmy Foxx, who alone stands between Williams and Babe Ruth's unapproachable 714. The summer was a statistician's picnic. His two-thousandth walk came and went, his eighteen-hundredth run batted in, his sixteenth All-Star Game. At one point, he hit a home run off a pitcher, Don Lee, off whose father, Thornton Lee, he had hit a home run a generation before. The only comparable season for a forty-two-year-old man was Ty Cobb's in 1928. Cobb batted .323 and hit one homer. Williams batted .316 but hit twenty-nine homers.

In sum, though generally conceded to be the greatest hitter of his era, he did not establish himself as ''the greatest hitter who ever lived.'' Cobb, for average, and Ruth, for power, remain supreme. Cobb, Rogers Hornsby, Joe Jackson, and Lefty O'Doul, among players since 1900, have higher lifetime averages than Williams' .344. Unlike Foxx, Gehrig, Hack Wilson, Hank Greenberg, and Ralph Kiner, Williams never came close to matching Babe Ruth's season home-run total of sixty. In the list of major-league batting records, not one is held by Williams. He is second in walks drawn, third in home runs, fifth in lifetime averages, sixth in runs batted in, eighth in runs scored and in total bases, fourteenth in doubles, and thirtieth in hits. But if we allow him merely average seasons for the four-plus seasons he lost to two wars, and add another season for the months he lost to injuries, we get a man who in all the power totals would be second, and not a very distant second, to Ruth. And if we further allow that these years would have been not merely average but prime years, if we allow for all the months when Williams was playing in sub-par condition, if we permit his early and later years in baseball to be some sort of index of what the middle years could have been, if we give him a right-field fence that is not, like Fenway's, one of the most distant in the league, and if—the least excusable ''if''—we imagine him condescending to outsmart the Williams Shift, we can defensibly assemble, like a colossus induced from the sizable fragments that do remain, a statistical figure not incommensurate with his grandiose ambition. From the statistics that

are on the books, a good case can be made that in the combination of power and average Williams is first; nobody else ranks so high in both categories. Finally, there is the witness of the eyes; men whose memories go back to Shoeless Joe Jackson—another unlucky natural—rank him and Williams together as the best-looking hitters they have seen. It was for our last look that ten thousand of us had come.

Two girls, one of them with pert buckteeth and eyes as black as vest buttons, the other with white skin and flesh-colored hair, like an underdeveloped photograph of a redhead, came and sat on my right. On my other side was one of those frowning, chestless young-old men who can frequently be seen, often wearing sailor hats, attending ball games alone. He did not once open his program but instead tapped it, rolled up, on his knee as he gave the game his disconsolate attention. A young lady, with freckles and a depressed, dainty nose that by an optical illusion seemed to thrust her lips forward for a kiss, sauntered down into the box seats and with striking aplomb took a seat right behind the roof of the Oriole dugout. She wore a blue coat with a Northeastern University emblem sewed to it. The girls beside me took it into their heads that this was Williams' daughter. She looked too old to me, and why would she be sitting behind the visitors' dugout? On the other hand, from the way she sat there, staring at the sky and French-inhaling, she clearly was somebody. Other fans came and eclipsed her from view. The crowd looked less like a weekday ballpark crowd than like the folks you might find in Yellowstone National Park, or emerging from automobiles at the top of scenic Mount Mansfield. There were a lot of competitively well-dressed couples of tourist age, and not a few babes in arms. A row of five seats in front of me was abruptly filled with a woman and four children, the youngest of them two years old, if that. Someday, presumably, he could tell his grandchildren that he saw Williams play. Along with these tots and second-honeymooners, there were Harvard freshmen, giving off that peculiar nervous glow created when a quantity of insouciance is saturated with insecurity; thick-necked Army officers with brass on their shoulders and lead in their voices; pepperings of priests; perfumed bouquets of Roxbury Fabian fans; shiny salesmen from Albany and Fall River; and those gray, hoarse men—taxidrivers, slaughterers, and bartenders who will continue to click through the turnstiles long after everyone else has deserted to television and tramporamas. Behind me, two young male voices blossomed, cracking a joke about God's five proofs that Thomas Aquinas exists—typical Boston College levity.

The batting cage was trundled away. The Orioles fluttered to the sidelines. Diagonally across the field, by the Red Sox dugout, a cluster of men in overcoats were festering like maggots. I could see a splinter of white uniform, and Williams' head, held at a self-deprecating and evasive tilt. Williams' conversational stance is that of a six-foot-three-inch man under a six-foot ceiling. He moved away to the patter of flash bulbs, and began playing catch with a young Negro outfielder named Willie Tasby. His arm, never very powerful, had grown lax with the years, and his throwing motion was a kind of muscular drawl. To catch the ball, he flicked his glove hand onto his left shoulder (he batted left but threw right, as every schoolboy ought to know) and let the ball plop into it comically. This catch session with Tasby was the only time all afternoon I saw him grin.

A tight little flock of human sparrows who, from the lambent and pampered pink of their faces, could only have been Boston politicians moved toward the plate. The loudspeakers mammothly coughed as someone huffed on the microphone. The ceremonies began. Curt Gowdy, the Red Sox radio and television announcer, who sounds like everybody's brother-in-law, delivered a brief sermon, taking the two words ''pride'' and ''champion'' as his text. It began, ''Twenty-one years ago, a skinny kid from San Diego, California . . .'' and ended, ''I don't think we'll ever see another like him.'' Robert Tibolt, chairman of the board of the Greater Boston Chamber of Commerce, presented Williams with a big Paul Revere silver bowl. Harry Carlson, a member of the sports committee of the Boston Chamber, gave him a plaque, whose inscription he did not read in its entirety, out of deference to Williams' distaste for this sort of fuss. Mayor Collins presented the Jimmy Fund with a thousand-dollar check.

Then the occasion himself stooped to the microphone, and his voice sounded, after the others, very Californian; it seemed to be coming, excellently amplified, from a great distance, adolescently young and as smooth as a butternut. His thanks for the gifts had not died from our ears before he glided, as if helplessly, into ''In spite of all the terrible things that have been said about me by the maestros of the keyboard up there . . .'' He glanced up at the press rows suspended above home plate. (All the Boston reporters, incidentally, reported the phrase as ''knights of the keyboard,'' but I heard it as ''maestros'' and prefer it that way.) The crowd tittered, appalled. A frightful vision flashed upon me, of the press gallery pelting Williams with erasers, of Williams clambering up the foul screen to slug journalists, of a riot, of Mayor Collins being crushed. ''. . . And they were terrible things,'' Williams insisted, with level melancholy, into the mike. ''I'd like to forget them, but I can't.'' He paused, swallowed his memories, and went on, ''I want to say that my years in Boston have been the greatest thing in my life.'' The crowd, like an immense sail going limp in a change of wind, sighed with relief. Taking all the parts himself, Williams then acted out a vivacious little morality drama in which an imaginary tempter came to him at the beginning of his career and said, ''Ted, you can play anywhere you like.'' Leaping nimbly into the role of his younger self (who in biographical actuality had yearned to be a Yankee), Williams gallantly chose Boston over all the other cities, and told us that Tom Yawkey was the greatest owner in baseball and we were the greatest fans. We applauded ourselves heartily. The umpire came out and dusted the plate. The voice of doom announced over the loudspeakers that after Williams' retirement his uniform number, 9, would be permanently retired—the first time the Red Sox had so honored a player. We cheered. The national anthem was played. We cheered. The game began.

Williams was third in the batting order, so he came up in the bottom of the first inning, and Steve Barber, a young pitcher who was not yet born when Williams began playing for the Red Sox, offered him four pitches, at all of which he disdained to swing, since none of them were within the strike zone. This demonstrated simultaneously that Williams' eyes were razor-sharp and that Barber's control wasn't. Shortly, the bases were full, with Williams on second. ''Oh, I hope he gets held up at third! That would be wonderful,'' the girl beside me moaned, and, sure enough, the man at bat walked and Williams was delivered into our foreground. He struck the pose of Donatello's David, the third-base bag being Goliath's head. Fiddling with his cap, swapping small talk with the Oriole third baseman (who seemed delighted to have him drop in), swinging his arms with a sort of prancing nervousness, he looked fine—flexible, hard, and not unbecomingly substantial through the middle. The long neck, the small head, the knickers whose cuffs were worn down near his ankles—all these points, often observed by caricaturists, were visible in the flesh.

One of the collegiate voices behind me said, ''He looks old, doesn't he, old; big deep wrinkles in his face . . .''

''Yeah,'' the other voice said, ''but he looks like an old hawk, doesn't he?''

With each pitch, Williams danced down the baseline, waving his arms and stirring dust, ponderous but menacing, like an attacking goose. It occurred to about a dozen humorists at once to shout ''Steal home! Go, go!'' Williams' speed afoot was never legendary. Lou Clinton, a young Sox outfielder, hit a fairly deep fly to center field. Williams tagged up and ran home. As he slid across the plate, the ball, thrown with unusual heft by Jackie Brandt, the Oriole center fielder, hit him on the back.

''Boy, he was really loafing, wasn't he?'' one of the boys behind me said.

''It's cold,'' the other explained. ''He doesn't play well when it's cold. He likes heat. He's a hedonist.''

The run that Williams scored was the second and last of the inning. Gus Triandos, of the Orioles, quickly evened the score by plunking a home run over the handy left-field wall. Williams, who had had this wall at his back for twenty years, played the ball flawlessly. He didn't budge. He just stood there, in the center of the little patch of grass that his patient footsteps had worn brown, and, limp with lack of interest, watched the ball pass overhead. It was not a very interesting game. Mike Higgins, the Red Sox manager, with nothing to lose, had restricted his major-league players to the left-field line—along with Williams, Frank Malzone, a first-rate third baseman, played the game—and had peopled the rest of the terrain with unpredictable youngsters fresh, or not so fresh, off the farms. Other than Williams' recurrent appearances at the plate, the maladresse of the Sox infield was the sole focus of suspense; the second baseman turned every grounder into a juggling act, while the shortstop did a breathtaking impersonation of an open window. With this sort of assistance, the Orioles wheedled their way into a 4–2 lead. They had early replaced Barber with another young pitcher, Jack Fisher. Fortunately (as it turned out), Fisher is no cutie; he is willing to burn the ball through the strike zone, and inning after inning this tactic punctured Higgins' string of test balloons.

Whenever Williams appeared at the plate—pounding the dirt from his cleats, gouging a pit in the batter's box with his left foot, wringing resin out of the bat handle with his vehement grip, switching the stick at the pitcher with an electric ferocity—it was like having a familiar Leonardo appear in a shuffle of Saturday Evening Post covers. This man, you realized—and here, perhaps, was the difference, greater than the difference in gifts—really intended to hit the ball. In the third inning, he hoisted a high fly to deep center. In the fifth, we thought he had it; he smacked the ball hard and high into the heart of his power zone, but the deep right

field in Fenway and the heavy air and a casual east wind defeated him. The ball died. Al Pilarcik leaned his back against the big ''380'' painted on the right-field wall and caught it. On another day, in another park, it would have been gone. (After the game, Williams said, ''I didn't think I could hit one any harder than that. The conditions weren't good.'')

The afternoon grew so glowering that in the sixth inning the arc lights were turned on—always a wan sight in the daytime, like the burning headlights of a funeral procession. Aided by the gloom, Fisher was slicing through the Sox rookies, and Williams did not come to bat in the seventh. He was second up in the eighth. This was almost certainly his last time to come to the plate in Fenway Park, and instead of merely cheering, as we had at his three previous appearances, we stood, all of us—stood and applauded. Have you ever heard applause in a ballpark? Just applause—no calling, no whistling, just an ocean of handclaps, minute after minute, burst after burst, crowding and running together in continuous succession like the pushes of surf at the edge of the sand. It was a sombre and considered tumult. There was not a boo in it. It seemed to renew itself out of a shifting set of memories as the kid, the Marine, the veteran of feuds and failures and injuries, the friend of children, and the enduring old pro evolved down the bright tunnel of twenty-one summers toward this moment. At last, the umpire signalled for Fisher to pitch; with the other players, he had been frozen in position. Only Williams had moved during the ovation, switching his hat impatiently, ignoring everything except his cherished task. Fisher wound up, and the applause sank into a hush.

Understand that we were a crowd of rational people. We knew that a home run cannot be produced at will; the right pitch must be perfectly met and luck must ride with the ball. Three innings before, we had seen a brave effort fail. The air was soggy; the season was exhausted. Nevertheless, there will always lurk, around a corner in a pocket of our knowledge of the odds, an indefensible hope, and this was one of the times, which you now and then find in sports, when a density of expectation hangs in the air and plucks an event out of the future.

Fisher, after his unsettling wait, was wide with the first pitch. He put the second one over, and Williams swung mightily and missed. The crowd grunted, seeing that classic swing, so long and smooth and quick, exposed, naked in its failure. Fisher threw the third time, Williams swung again, and there it was. The ball climbed on a diagonal line into the vast volume of air over center field. From my angle, behind third base, the ball seemed less an object in flight than the tip of a towering, motionless construct, like the Eiffel Tower or the Tappan Zee Bridge. It was in the books while it was still in the sky. Brandt ran back to the deepest corner of the outfield grass; the ball descended beyond his reach and struck in the crotch where the bullpen met the wall, bounced chunkily, and, as far as I could see, vanished.

Like a feather caught in a vortex, Williams ran around the square of bases at the center of our beseeching screaming. He ran as he always ran out home runs—hurriedly, unsmiling, head down, as if our praise were a storm of rain to get out of. He didn't tip his cap. Though we thumped, wept, and chanted ''We want Ted'' for minutes after he hid in the dugout, he did not come back. Our noise for some seconds passed beyond excitement into a kind of immense open anguish, a wailing, a cry to be saved. But immortality is nontransferable. The papers said that the other players, and even the umpires on the field, begged him to come out and acknowledge us in some way, but he never had and did not now. Gods do not answer letters.

Every true story has an anticlimax. The men on the field refused to disappear, as would have seemed decent, in the smoke of Williams' miracle. Fisher continued to pitch, and escaped further harm. At the end of the inning, Higgins sent Williams out to his leftfield position, then instantly replaced him with Carrol Hardy, so we had a long last look at Williams as he ran out there and then back, his uniform jogging, his eyes steadfast on the ground. It was nice, and we were grateful, but it left a funny taste.

One of the scholasticists behind me said, ''Let's go. We've seen everything. I don't want to spoil it.'' This seemed a sound aesthetic decision. Williams' last word had been so exquisitely chosen, such a perfect fusion of expectation, intention, and execution, that already it felt a little unreal in my head, and I wanted to get out before the castle collapsed. But the game, though played by clumsy midgets under the feeble glow of the arc lights, began to tug at my attention, and I loitered in the runway until it was over. Williams' homer had, quite incidentally, made the score 4–3. In the bottom of the ninth inning, with one out, Marlin Coughtry, the second-base juggler, singled. Vic Wertz, pinchhitting, doubled off the leftfield wall, Coughtry advancing to third. Pumpsie Green walked, to load the bases. Willie Tasby hit a double-play ball to the third baseman, but in making the pivot throw Billy Klaus, an ex-Red Sox infielder, reverted to form and threw the ball past the first baseman and into the Red Sox dugout. The Sox won, 5–4. On the car radio as I drove home I heard that Williams had decided not to accompany the team to New York. So he knew how to do even that, the hardest thing. Quit.●

FLIGHT NETWORK

● Mr. SESSIONS. Mr. President, I wish to take a moment to honor an exceptional program in Alabama.

For many young men and women, their experiences during World War II were a profound time in their lives. This Nation owes a debt of gratitude for the sacrifices of those Americans who left their families and lives behind to go ''fight the good fight''.

The Honor Flight Network was established to honor the remaining WWII veterans and provide them a trip to the WWII Memorial in Washington, DC which was built in their honor.

The Honor Flight Tennessee Valley program, which also serves northern Alabama, began in the summer of 2006 and flew 14 WWII veterans on their first flight on April 4, 2007. Their final mission was on September 11th, 2010. In this time, Honor Flight Tennessee Valley has flown over 1,300 WWII veterans to Washington, DC. This could not have been accomplished without the leadership and outstanding efforts of the president and founder of Honor Flight Tennessee Valley, Joe Fitzgerald. His organizational skills and ability to put a plan together were essential to the overall success of the program. Joe put a special emphasis on honoring the veterans who died before they were able to make the trip to DC.

I am thankful that these revered veterans were able to come to our Nation's Capital to be recognized and remembered for their individual sacrifices. Among the most important of the historic sites they visited was the new World War II Memorial, which honors the 16 million veterans who served in the Armed Forces of the United States, the more than 400,000 of our finest Americans who gave the ultimate sacrifice for our Nation, and all who supported the war effort from home.

I have met many Honor Flight groups from all over Alabama at the WWII Memorial. Without exception, they are men and women of character and positive spirit who love their country and thoroughly enjoy the visit. They also have not asked for recognition but are humbled and thankful for this honor. Visiting these veterans is one of the most enjoyable things I get to do as a Senator.

On behalf of my Senate colleagues and the State of Alabama, I thank these veterans for their service to the United States of America and am proud of the work Honor Flight Tennessee Valley and the Honor Flight Network have done for our WWII Veterans.●

TRIBUTE TO ROBERT WINCHESTER

● Mr. ROCKEFELLER. Mr. President, I rise to mark the retirement of Robert Winchester after 35 years in government service. Throughout this time, Bob has been both the consummate professional and a friendly presence in the Halls here on Capitol Hill.

Mr. Winchester had a varied and distinguished career, having worked in different positions and capacities for the Department of Justice, Central Intelligence Agency and the U.S. Army. For most of that time, Bob worked in the intelligence field where efforts and successes are not always rewarded publicly. I am glad we can do so here today.

Mr. Winchester graduated in 1967 from the University of Paris, La Sorbonne, and from Kings College in 1968. From 1969 until 1971, he served in the U.S. Army as an intelligence analyst and was stationed in Vietnam. After being honorably discharged as a staff sergeant, he continued his education at Illinois State University earning a master's degree. He then returned to Europe to receive a master's of advanced European studies with honors in 1974 from the College of Europe in Bruges, Belgium.

Continuing his already impressive academic achievements, Mr. Winchester received his juris doctorate from Temple University School of Law. He served as a judge advocate general

captain in the U.S. Army Reserves for 13 years. He is a member of the bar of the Commonwealth of Pennsylvania and the District of Columbia.

Mr. Winchester worked for 7 years at the Central Intelligence Agency in operational law and legislative liaison positions, and also served as an assistant attorney general for the Department of Justice in Pennsylvania.

During the last 25 years, Bob has served as legislative counsel to the Secretary of the Army and the Army leadership, the Army G–2, the commanding generals of the U.S. Army Intelligence Center of Excellence at Fort Huachuca, and the Intelligence and Security Command.

Since 1984, Mr. Winchester served as the special assistant for legislative affairs for the U.S. Army's Office of the Chief, legislative liaison and served as the Army's principal liaison to the Congress for all Army intelligence programs and policies. It was in this role that Mr. Winchester became a fixture in matters involving Army intelligence on Capitol Hill. For over two decades, the Members and staff of the Senate Select Committee on Intelligence knew that they could turn to Mr. Winchester with a request and he would respond not just in a timely and professional manner, but also with insight and enthusiasm. He was able not only to represent the views and policies of the U.S. Army, but also to ensure that Congress had the information it requested to conduct effective congressional oversight. He made this difficult job look easy.

Mr. Winchester has earned his retirement many times over, but we still hope that he reconsiders and returns to serve his country once again.

Mr. Winchester, thank you for your service and good luck in all your future endeavors.●

TRIBUTE TO RUSTY TOUPAL

● Mr. THUNE. Mr. President, today I wish to recognize Rusty Toupal, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Rusty is a graduate of Wolsey High School in Wolsey, SD. Currently he is attending South Dakota State University where he is majoring in consumer Affairs. He has also been a member of the Army National Guard for 7 years and has completed a deployment to Iraq.

He is a hard worker who has been dedicated to getting the most out of his internship experience. I extend my sincere thanks and appreciation to Rusty for all of the fine work he has done and wish him continued success in the years to come.●

DISCHARGE PETITION PURSUANT TO 5 U.S.C. 802(c) (CONGRESSIONAL REVIEW ACT)

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct that the Senate Committee on Health, Education, Labor, and Pensions be discharged of further consideration of S.J. Res. 39, a resolution providing for congressional disapproval of a rule submitted by the Centers for Medicare and Medicaid Services, Department of Health and Human Services, relating to status as a Grandfathered Health Plan under the Patient Protection and Affordable Care Act, and, further, that the resolution be immediately placed upon the Legislative Calendar under General Orders.

Michael B. Enzi, Roger F. Wicker, Thad Cochran, John Barrasso, Pat Roberts, Jeff Sessions, Jon Kyl, Richard Burr, John Cornyn, Christopher S. Bond, Richard G. Lugar, George V. Voinovich, Susan M. Collins, Johnny Isakson, Mike Johanns, George S. LeMieux, John Ensign, Lamar Alexander, Chuck Grassley, James E. Risch, Richard C. Shelby, John Thune, Orrin G. Hatch, Mitch McConnell, John McCain, Judd Gregg, Jim Bunning, Mike Crapo, Tom Coburn, Olympia J. Snowe, James M. InHofe, David Vitter, Robert F. Bennett, Bob Corker, Lindsey Graham, Sam Brownback, Saxby Chambliss, Lisa Murkowski, Kay Bailey Hutchison, Scott Brown.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 12:12 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 846. An act to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 1055. An act to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

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

H.R. 6190. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

At 3:18 p.m., a message from the House of Representatives, delivered by Mrs. Cole, announced that the House has agreed to the amendments of the Senate 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.

At 3:54 p.m., a message from the House of Representatives, delivered by Mrs. Cole, announced that the House has passed the following bill, without amendment:

S. 3847. An act to implement certain defense trade cooperation treaties, and for other purposes.

At 5:37 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6200. An act 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.

ENROLLED BILLS SIGNED

At 6:51 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 714. An act to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

H.R. 2923. An act to enhance the ability to combat methamphetamine.

H.R. 3553. An act to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family.

H.R. 3808. An act to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce.

S. 2868. An act to provide increased access to the Federal supply schedules of the General Services Administration to the American Red Cross, other qualified organizations, and State and local governments.

MEASURES DISCHARGED

Pursuant to 5 U.S.C. 802(c), the following joint resolution was discharged by petition from the Committee on Health, Education, Labor, and Pensions, and placed on the Calendar:

S.J. Res. 39. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule relating to the status as a grandfathered health plan under the Patient Protection and Affordable Care Act.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 28, 2010, she had presented to the President of the United States the following enrolled bills:

S. 846. An act to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 1055. An act to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7554. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Off-Exchange Retail Foreign Exchange Transactions and Intermediaries'' ((17 CFR Parts 1, 3, 4, 5, 10, 140, 145, 147, 160, and 166)(RIN3038–AC61)) received in the Office of the President of the Senate on September 23, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7555. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acephate, Cacodylic acid, Dicamba, Dicloran, et al.; Tolerance Actions'' (FRL No. 8842–1) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7556. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Department of the Navy and was assigned case number 09–03; to the Committee on Appropriations.

EC–7557. A communication from the Chairman of the Military Leadership Diversity Commission, transmitting, pursuant to law a report relative to the Commission's comprehensive evaluation and assessment of policies that provide opportunities for the promotion and advancement of minority members of the Armed Forces; to the Committee on Armed Services.

EC–7558. A joint communication from the Under Secretary of Defense (Comptroller) and the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to a multiyear procurement that is being sought for F/A–18E/F and EA–18G aircraft in fiscal year 2010 through fiscal year 2013; to the Committee on Armed Services.

EC–7559. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation: Sustainable Acquisition'' (RIN1991–AB95) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Energy and Natural Resources.

EC–7560. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Outer Continental Shelf Air Regulations Consistency Update for California'' (FRL No. 9192–8) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Environment and Public Works.

EC–7561. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rules on Certain Chemical Substances'' (FRL No. 8839–7) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC–7562. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL No. 9203–3) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC–7563. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans Alabama: Volatile Organic Compounds'' (FRL No. 9203–9) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC–7564. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Management System; Identification and Listing of Hazardous Waste Amendment'' (FRL No. 9201–2) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Environment and Public Works.

EC–7565. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Application of Sections 7702 and 7702A to Life Insurance Contracts that Mature After Age 100'' (Rev. Rul. 2010–28) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Finance.

EC–7566. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Exclusions From Gross Income of Foreign Corporations'' (TD 9502) received in the Office of the President of the Senate on September 21, 2010; to the Committee on Finance.

EC–7567. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010–0137—2010–0142); to the Committee on Foreign Relations.

EC–7568. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, a report relative to (2) vacancies in the Department of Health and Human Services in the positions of Assistant Secretary for Public Affairs and Administrator of the Centers for Medicare and Medicaid Services, received in the Office of the President of the Senate on September 24, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–7569. A communication from the Human Resources Specialist, United States Tax Court, transmitting, pursuant to law, the United States Tax Courts' annual category rating report for the years of 2008 and 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–7570. A communication from the Management and Program Analyst, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''U.S. Citizenship and Immigration Service Fee Schedule'' (RIN1615–AB80) received in the Office of the President of the Senate on September 22, 2010; to the Committee on the Judiciary.

EC–7571. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Wyoming Advisory Committee; to the Committee on the Judiciary.

EC–7572. A communication from the Director of Regulations Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Specially Adapted Housing and Special Home Adaption'' (RIN2900–AN21) received in the Office of the President of the Senate on September 27, 2010; to the Committee on Veterans' Affairs.

EC–7573. A communication from the Director of Regulation Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Presumptions of Service Connection for Persian Gulf Service'' (RIN2900–AN24) received in the Office of the President of the Senate on September 27, 2010; to the Committee on Veterans' Affairs.

EC–7574. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XY87) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7575. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XZ01) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7576. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XY99) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7577. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Skate Complex Fishery; Reduction of Skate Wing Fishery Possession Limit'' (RIN0648–XY46) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7578. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the

Northeastern United States; Northeast Multispecies Fishery; Modification of the Common Pool Day-at-Sea Accounting and Possession Prohibition for Witch Flounder'' (RIN0648–XY20) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7579. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Inseason Action to Close the Commercial Porbeagle Shark Fishery'' (RIN0648–XY56) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7580. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2010 Winter II Quota'' (RIN0648–XY61) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7581. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands'' (RIN0648–XY84) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7582. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions No. 9, No. 10, and No. 11'' (RIN0648–XY08) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7583. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XY78) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7584. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Vessels Participating in the Rockfish Entry Level Fishery in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XY70) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7585. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish for Vessels Participating in the Rockfish Entry Level Fishery in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XY72) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–7586. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish for Vessels Participating in the Rockfish Entry Level Fishery in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XY71) received in the Office of the President of the Senate on September 24, 2010; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1816. A bill to amend the Federal Water Pollution Control Act to improve and reauthorize the Chesapeake Bay Program (Rept. No. 111–333).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 679. A bill to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes (Rept. No. 111–334).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2843. A bill to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Energy (Rept. No. 111–335).

S. 3495. A bill to promote the deployment of plug-in electric drive vehicles, and for other purposes (Rept. No. 111–336).

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. 3184. A bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes (Rept. No. 111–337).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

H.R. 1345. A bill to amend title 5, United States Code, to eliminate the discriminatory treatment of the District of Columbia under the provisions of law commonly referred to as the ''Hatch Act''.

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2847. A bill to regulate the volume of audio on commercials.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Brig. Gen. Alfred J. Stewart, to be Major General.

Air Force nomination of Col. Christopher J. Bence, to be Brigadier General.

Air Force nomination of Maj. Gen. James M. Kowalski, to be Lieutenant General.

Air Force nomination of Lt. Gen. Philip M. Breedlove, to be General.

Air Force nomination of Lt. Gen. William L. Shelton, to be General.

Air Force nomination of Lt. Gen. Richard Y. Newton III, to be Lieutenant General.

Air Force nomination of Lt. Gen. Herbert J. Carlisle, to be Lieutenant General.

Air Force nomination of Maj. Gen. Stanley T. Kresge, to be Lieutenant General.

Air Force nomination of Maj. Gen. Susan J. Helms, to be Lieutenant General.

Air Force nomination of Maj. Gen. Darrell D. Jones, to be Lieutenant General.

Air Force nomination of Lt. Gen. Larry D. James, to be Lieutenant General.

Army nomination of Col. Arthur W. Hinaman, to be Brigadier General.

Army nomination of Maj. Gen. Curtis M. Scaparrotti, to be Lieutenant General.

Army nomination of Col. Phillip M. Churn, Sr., to be Brigadier General.

Army nomination of Col. Daniel J. Dire, to be Brigadier General.

Army nomination of Col. Ronald E. Dziedzicki, to be Brigadier General.

Army nomination of Maj. Gen. John D. Johnson, to be Lieutenant General.

Army nomination of Col. Joseph A. Brendler, to be Brigadier General.

Army nominations beginning with Col. Dana M. Capozzella and ending with Col. Stephen L. Danner, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nomination of Brig. Gen. Maria L. Britt, to be Major General.

Army nomination of Brig. Gen. William L. Freeman, Jr., to be Major General.

Army nomination of Maj. Gen. Frank J. Grass, to be Lieutenant General.

Marine Corps nomination of Gen. James F. Amos, to be General.

Marine Corps nomination of Lt. Gen. Joseph F. Dunford, Jr., to be General.

Marine Corps nomination of Lt. Gen. Thomas D. Waldhauser, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Robert B. Neller, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Richard T. Tryon, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. Terry G. Robling, to be Lieutenant General.

Navy nomination of Capt. Charles D. Harr, to be Rear Admiral (lower half).

Navy nomination of Rear Adm. (Selectee) John M. Richardson, to be Vice Admiral.

Navy nomination of Rear Adm. Cecil E. Haney, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Robert L. Gauer and ending with Rajendra C. Yande, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Air Force nominations beginning with Arlene D. Adams and ending with Amy S. Woosley, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Air Force nominations beginning with Marianne E. Alaniz and ending with Mark L. Wimley, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Air Force nomination of Ernest J. Prochazka, to be Colonel.

Air Force nominations beginning with Daniel P. Gilligan and ending with Nghia H. Nguyen, which nominations were received by the Senate and appeared in the congressional record on September 23, 2010.

Army nomination of Robert H. Kewley, Jr., to be Lieutenant Colonel.

Army nomination of Wiley C. Thompson, to be Lieutenant Colonel.

Army nomination of Raymond C. Nelson, to be Colonel.

Army nomination of Bernard B. Banks, to be Colonel.

Army nomination of David A. Wallace, to be Colonel.

Army nominations beginning with Melissa R. Covolesky and ending with John H. Stephenson II, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Army nomination of Jonathan J. McColumn, to be Colonel.

Army nomination of Daniel E. Banks, to be Lieutenant Colonel.

Army nomination of Latanya A. Pope, to be Major.

Army nomination of Ned W. Roberts, Jr., to be Major.

Army nomination of John W. Paul, to be Major.

Army nominations beginning with Eric S. Alford and ending with Michael K. Hanifan, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Army nominations beginning with George W. Meleleu and ending with Aaron L. Polston, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Army nominations beginning with Dean P. Suanico and ending with Elizabeth R. Oates, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Army nominations beginning with Brian F. Lane and ending with Kimberly D. Kumer, which nominations were received by the Senate and appeared in the congressional record on August 3, 2010.

Army nominations beginning with Dustin C. Frazier and ending with Courtney T. Tripp, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Army nominations beginning with Donald P. Bandy and ending with Keith J. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Army nominations beginning with Stanley Green and ending with Jon B. Tipton, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Army nominations beginning with Patrick L. Mallett and ending with Scott H. Sinkular, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Army nominations beginning with Lanny J. Acosta, Jr. and ending with Patrick L. Vergona, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Army nomination of Polly R. Graham, to be Colonel.

Army nomination of Dwaine K. Warren, to be Colonel.

Army nominations beginning with James K. Barnett and ending with Edward D. Northrop, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2010.

Army nomination of Thomas E. Koertge, to be Colonel.

Army nomination of Edward B. Martin, to be Major.

Army nomination of Timothy S. Allison-Aipa, to be Major.

Army nomination of Vickie M. Jester, to be Major.

Army nominations beginning with Bernard H. Hofmann and ending with Gregory Sean F. Mcdougal, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Charles L. Clark and ending with Oksana Boyechko, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Allen L. Fein and ending with Rostylav R. Szwajkun, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Robert Kirk and ending with Timothy M. Snavely, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Paula Oliver and ending with Michael A. Kelley, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Amanda J. Conley and ending with Thomas F. Spencer, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Jeffrey D. Allen and ending with Timothy Reynolds, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Dixie J. Burner and ending with Elizabeth A. Williams, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Michell L. Auck and ending with D010491, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Laneice L. Abdelshakur and ending with Sashi A. Zickefoose, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nominations beginning with Joseph H. Afanador and ending with D010299, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Army nomination of David C. Decker, to be Major.

Army nomination of Elizabeth S. Mason, to be Major.

Army nominations beginning with Yvonne J. Fleischman and ending with Wendy M. Ross, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Marilyn S. Chiafullo and ending with Howard D. Reitz, Jr., which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nomination of Connie C. Dyer, to be Colonel.

Army nomination of Jonathan J. Beitler, to be Colonel.

Army nomination of David K. Powell, to be Colonel.

Army nominations beginning with John J. Ference and ending with David M. Schlaack, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Julie A. Blike and ending with Ava J. Walker, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with William B. Britt and ending with Lynn A. Wise, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with James T. Barber, Jr. and ending with Joseph C. Wood, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Sandra L. Alvey and ending with Aaron Tucker, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Jan E. Aldykiewicz and ending with Louis P. Yob, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Rebecca L. Allen and ending with Toni Y. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with George A. Berndt III and ending with Douglas W. Yoder, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Alan D. Abrams and ending with Mark D. Schulthess, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Pamela Y. Delancy and ending with Karen L. Wright, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Erick J. Alverio and ending with Cynthia E. Pierce, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Bess J. Pierce and ending with Ty J. Vannieuwenhoven, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Steven M. Groddy and ending with Heidi M. Wiegand, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Howard A. Allen III and ending with Suzanne P. Vareslum, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Tyler C. Craner and ending with Brennan V. Wallace, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Stephen J. Bethoney and ending with Kirk A. Yaukey, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Lawrence E. Widman and ending with James I. Joubert, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Pamela K. King and ending with Marilyn Torres, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Army nominations beginning with Maria E. Bovill and ending with Joanna J. Reagan, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with Mark E. Beicke and ending with James D. Toombs, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with Todd O. Johnson and ending with Tami Zalewski, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with Mark R. Benne and ending with James Wood, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with Celethia M. Abnerwise and ending with Lisa A. Toven, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with Paul D. Anderson and ending with Alex P. Zotomayor, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Army nominations beginning with William P. Adelman and ending with David C. Zenger, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nomination of Timothy J. Ringo, to be Lieutenant Commander.

Navy nominations beginning with William A. Brown, Jr. and ending with Paul J. Wisniewski, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Navy nominations beginning with Jaime E. Rodriguez and ending with Vincent M. Peronti, which nominations were received by the Senate and appeared in the Congressional Record on August 3, 2010.

Navy nomination of Robert C. Moore, to be Commander.

Navy nominations beginning with Steven D. Seney and ending with Nicholas A. Sinnokrak, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Abby L. Odonnell and ending with Stella J. Weiss, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Patrick P. Davis and ending with Jerry Y. Tzeng, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Robert E. Atkinson and ending with Giancarlo Waghelstein, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Anthony H. Beaster and ending with Jonathan C. Wood, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Charles M. Abell and ending with Catherine F. Wallace, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Randy J. Berti and ending with Robert H. Vohrer, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Katie M. Abdallah and ending with Nathan J. Winters, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Jeremy S. Biediger and ending with Scott E. Williams, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Adrian E. Arvizo and ending with Lisa L. Zumbrunn, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Philip T. Alcorn and ending with Scott D. Ziegenhorn, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Armand P. Abad and ending with Matthew A. Young, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nominations beginning with Benjamin P. Abbott and ending with Daniel W. Zuckschwerdt, which nominations were received by the Senate and appeared in the Congressional Record on August 4, 2010.

Navy nomination of Tina F. Edwards, to be Lieutenant Commander.

Navy nominations beginning with Joxel Garcia and ending with Larry E. Menestrina, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2010.

Navy nominations beginning with Brian D. Oneil and ending with Jose R. Pereztorres, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2010.

Navy nomination of Erik Rangel, to be Lieutenant Commander.

Navy nomination of Victor John Catullo, to be Captain.

Navy nominations beginning with William A. Mix and ending with John H. Steely, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Navy nominations beginning with Ronald K. Bach and ending with Anna A. Ross, which nominations were received by the Senate and appeared in the Congressional Record on September 16, 2010.

Navy nomination of Brian O. Walden, to be Captain.

Navy nomination of Jeffry P. Simko, to be Lieutenant Commander.

Navy nomination of Patrick A. Garvey, to be Captain.

Navy nominations beginning with Sherwin Y. Cho and ending with Jeffrey G. Sotack, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Navy nomination of Dominic V. Gonzales, to be Lieutenant Commander.

Navy nomination of Michael H. Hooper, to be Lieutenant Commander.

Navy nomination of Virgilio S. Crescini, to be Lieutenant Commander .

Navy nominations beginning with Aldrin J. A. Cordova and ending with Jerald L. Rooks, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nominations beginning with John W. Baise and ending with Ning L. Yuan, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nominations beginning with Raynard Allen and ending with Robert B. Wills, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nominations beginning with Jose G. Acosta, Jr. and ending with Scott A. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nominations beginning with Koniki L. Aiken and ending with James S. Zmijski, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nominations beginning with Dominic J. Antenucci and ending with Delicia G. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nominations beginning with Brent N. Adams and ending with Emily L. Zywicke, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nominations beginning with Teresita Alston and ending with Erin K. Zizak, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

Navy nominations beginning with Kenric T. Aban and ending with Franklin R. Zuehl, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

*David B. Buckley, of Virginia, to be Inspector General, Central Intelligence Agency.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN of Massachusetts (for himself, Ms. SNOWE, Mr. BENNETT, Mr. CORKER, Ms. COLLINS, Mr. VOINOVICH, Mr. ALEXANDER, and Mr. CHAMBLISS):

S. 11. A bill to restore the application of the 340B drug discount program to orphan drugs with respect to children's hospitals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself and Mr. GRASSLEY):

S. 3848. A bill to amend part D of title IV of the Social Security Act to improve the enforcement, collection, and administration of child support payments, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. DURBIN, Mr. CASEY, Mr. BROWN of Ohio, Mr. BINGAMAN, Mr. BURRIS, Mr. HARKIN, Mr. LEAHY, Mr. MENENDEZ, Mr. REED, Mr. DODD, Mrs. BOXER, Mr. SCHUMER, and Mr. LAUTENBERG):

S. 3849. A bill to extend the Emergency Contingency Fund for State Temporary Assistance for Needy Families Program, and for other purposes; to the Committee on Finance.

By Mr. REID (for Mrs. LINCOLN):

S. 3850. A bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act; to the Committee on Environment and Public Works.

By Mr. DORGAN:

S. 3851. A bill to clarify the relationship of the policies of sports leagues or associations and provisions of State or local law regarding the use of performance-enhancing drugs in interstate competition; to the Committee on Commerce, Science, and Transportation.

By Mrs. HAGAN (for herself and Mr. MENENDEZ):

S. 3852. A bill to authorize grants to promote media literacy and youth empowerment programs, to authorize research on the role and impact of depictions of girls and women in the media, to provide for the establishment of a National Task Force on Girls and Women in the Media, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER (for himself, Mr. WARNER, Mr. AKAKA, Ms. COLLINS, Mr. VOINOVICH, and Mr. LIEBERMAN):

S. 3853. A bill to modernize and refine the requirements of the Government Performance and Results Act of 1993, to require quarterly performance reviews of Federal policy and management priorities, to establish Chief Operating Officers, Performance Improvement Officers, and the Performance Improvement Council, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEAHY (for himself, Mr. WHITEHOUSE, and Mr. KAUFMAN):

S. 3854. A bill to expand the definition of scheme or artifice to defraud with respect to mail and wire fraud; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself, Mr. NELSON of Nebraska, Mrs. MURRAY, and Mr. SANDERS):

S. 3855. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the issuance of new clean renewable energy bonds and to terminate eligibility of governmental bodies to issue such bonds, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. ROCKEFELLER):

S. 3856. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself, Mrs. SHAHEEN, and Mr. COCHRAN):

S. 3857. A bill to amend the National and Community Service Act of 1990 to improve the educational awards provided for national service; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mrs. GILLIBRAND, and Mr. SCHUMER):

S. 3858. A bill to improve the H–2A agricultural worker program for use by dairy workers, sheepherders, and goat herders, and for other purposes; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 3859. A bill to express the sense of the Senate concerning the establishment of Doctor of Nursing Practice and Doctor of Pharmacy dual degree programs; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MCCASKILL (for herself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, and Mr. BURR):

S. 3860. A bill to require reports on the management of Arlington National Cemetery; to the Committee on Veterans' Affairs.

By Mrs. BOXER (for herself, Ms. KLOBUCHAR, Mr. LAUTENBERG, and Mr. NELSON of Florida):

S. 3861. A bill to direct the Administrator of the Environmental Protection Agency to investigate and address cancer and disease clusters, including in infants and children; to the Committee on Environment and Public Works.

By Mr. WHITEHOUSE:

S. 3862. A bill to amend the Oil Pollution Act of 1990 to facilitate the ability of persons affected by oil spills to seek judicial redress; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER:

S. 3863. A bill to designate certain Federal land within the Monongahela National Forest as a component of the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 3864. A bill to remove a portion of the distinct population segment of the Rocky Mountain gray wolf from the list of threatened species or the list of endangered species published under the Endangered Species Act of 1973, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY:

S. Res. 652. A resolution honoring Mr. Alfred Lind for his dedicated service to the United States of America during World War II as a member of the Armed Forces and a prisoner of war, and for his tireless efforts on behalf of other members of the Armed Forces touched by war; considered and agreed to.

By Mr. BUNNING (for himself, Mr. UDALL of New Mexico, Mr. ALEXANDER, Mr. BINGAMAN, Mrs. MURRAY, Mr. MCCONNELL, Mr. GRASSLEY, Ms. CANTWELL, Mr. REID, Mr. UDALL of Colorado, Mr. CORKER, Mr. VOINOVICH, and Mr. SCHUMER):

S. Res. 653. A resolution designating October 30, 2010, as a national day of remembrance for nuclear weapons program workers; considered and agreed to.

By Mr. BURR (for himself, Mr. WEBB, Mr. BURRIS, and Mrs. MURRAY):

S. Res. 654. A resolution designating December 18, 2010, as ''Gold Star Wives Day''; considered and agreed to.

By Mr. FEINGOLD (for himself and Mr. DURBIN):

S. Res. 655. A resolution designating November 2010 as ''Stomach Cancer Awareness Month'' and supporting efforts to educate the public about stomach cancer; considered and agreed to.

By Mr. KAUFMAN (for himself, Mr. REID, Mr. BAUCUS, Mr. ROCKEFELLER, and Mr. AKAKA):

S. Res. 656. A resolution expressing support for the inaugural USA Science & Engineering Festival; considered and agreed to.

By Mr. REID (for himself, Mr. ENSIGN, and Mrs. FEINSTEIN):

S. Res. 657. A resolution celebrating the 75th anniversary of the dedication of the Hoover Dam; considered and agreed to.

By Mr. DODD (for himself, Mr. GRASSLEY, Mr. BROWN of Ohio, Mr. CORNYN, Mr. LEVIN, Mr. LIEBERMAN, Mr. PRYOR, Mr. ROCKEFELLER, and Mrs. MURRAY):

S. Res. 658. A resolution designating the week beginning October 17, 2010, as ''National Character Counts Week''; considered and agreed to.

By Mr. DODD (for himself, Mr. ENSIGN, Mr. AKAKA, Mr. BAUCUS, Mr. BEGICH, Mr. COCHRAN, Mr. SPECTER, Mr. WHITEHOUSE, Ms. SNOWE, Mr. SANDERS, Mr. NELSON of Nebraska, Mr. LAUTENBERG, Mr. CARPER, Mrs. GILLIBRAND, Mrs. MURRAY, Mr. BURR, and Mrs. BOXER):

S. Res. 659. A resolution supporting ''Lights on Afterschool'', a national celebration of afterschool programs; considered and agreed to.

By Mr. KAUFMAN (for himself and Mr. LUGAR):

S. Res. 660. A resolution expressing support for a public diplomacy program promoting advancements in science, technology, engineering, and mathematics made by or in partnership with the people of the United States; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 661. A resolution to authorize representation by the Senate Legal Counsel in the case of McCarthy v. Byrd, et al; considered and agreed to.

By Mr. UDALL of Colorado:

S. Res. 662. A resolution to amend the Standing Rules of the Senate to reform the filibuster rules to improve the daily process of the Senate; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 455

At the request of Mr. ROBERTS, the names of the Senator from Tennessee (Mr. CORKER), the Senator from Kentucky (Mr. BUNNING), the Senator from Wisconsin (Mr. KOHL), the Senator from New Hampshire (Mrs. SHAHEEN), and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United

States Army Command and General Staff College.

S. 658

At the request of Mr. TESTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 658, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 799

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 799, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1619

At the request of Mr. DODD, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1619, a bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes.

S. 1787

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1787, a bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes.

S. 2844

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. 2844, a bill to amend title 18, United States Code, to improve the terrorist hoax statute.

S. 3036

At the request of Mr. BAYH, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3184

At the request of Mrs. BOXER, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 3184, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 3398

At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3434

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3434, a bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes.

S. 3447

At the request of Mr. AKAKA, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Connecticut (Mr. DODD), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 3447, a bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3501

At the request of Mr. HATCH, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 3501, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 3502

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 3502, a bill to restore Americans' individual liberty by striking the Federal mandate to purchase insurance.

S. 3517

At the request of Mr. AKAKA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3517, a bill to amend title 38, United States Code, to improve the processing of claims for disability compensation filed with the Department of Veterans Affairs, and for other purposes.

S. 3543

At the request of Mrs. HAGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3543, a bill to amend title XVIII of the Social Security Act to expand access to medication therapy management services under the Medicare prescription drug program.

S. 3568

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3568, a bill to amend the Trade Act of 1974 to create a Citrus Disease Research and Development Trust Fund to support research on diseases impacting the citrus industry, and for other purposes.

S. 3666

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3666, a bill to authorize certain Department of State personnel, who are responsible for examining and processing United States passport applications, to be able to access certain Federal, State, and other databases, for the purpose of verifying the identity of a passport applicant, to reduce the incidence of fraud, to require the authentication of identification documents submitted by passport applicants, and for other purposes.

S. 3694

At the request of Ms. CANTWELL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3694, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 3709

At the request of Mr. WHITEHOUSE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3709, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 3723

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 3723, a bill to prohibit taxpayer funding of insurance plans or health care programs that cover abortion.

S. 3725

At the request of Mr. WYDEN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Vermont (Mr. SANDERS) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 3725, a bill to prevent the importation of merchandise into the United States in a manner that evades antidumping and countervailing duty orders, and for other purposes.

S. 3741

At the request of Mrs. HAGAN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3741, a bill to provide U.S. Customs and Border Protection with authority to more aggressively enforce trade laws relating to textile or apparel articles, and for other purposes.

S. 3751

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3751, a bill to amend the Stem Cell Therapeutic and Research Act of 2005.

S. 3756

At the request of Mr. REID, his name was added as a cosponsor of S. 3756, a bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive

auctions to provide funding to support such a network, and for other purposes.

S. 3759

At the request of Mr. BINGAMAN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3759, a bill to amend the Energy Policy Act of 2005 to authorize the Secretary of Energy to issue conditional commitments for loan guarantees under certain circumstances.

S. 3786

At the request of Mr. KERRY, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Montana (Mr. TESTER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 3786, a bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications.

S. 3789

At the request of Mrs. FEINSTEIN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 3789, a bill to limit access to social security account numbers.

S. 3790

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 3790, a bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

S. 3794

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3794, a bill to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal property through State agencies.

S. 3813

At the request of Mr. BINGAMAN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 3813, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes.

S. 3815

At the request of Mr. REID, the name of the Senator from Utah (Mr. HATCH) was withdrawn as a cosponsor of S. 3815, a bill to amend the Internal Revenue Code of 1986 to reduce oil consumption and improve energy security, and for other purposes.

S. 3841

At the request of Mr. KYL, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Maine (Ms. COLLINS), the Senator from Georgia (Mr. ISAKSON) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 3841, a bill to amend title 18, United States Code, to prohibit the creation, sale, distribution, advertising, marketing, and exchange of animal crush videos that depict obscene acts of animal cruelty, and for other purposes.

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 3841, supra.

S. CON. RES. 39

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution expressing the sense of the Congress that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

S. CON. RES. 71

At the request of Mr. FEINGOLD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Con. Res. 71, a concurrent resolution recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

S. CON. RES. 72

At the request of Mr. BROWNBACK, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Con. Res. 72, a concurrent resolution recognizing the 45th anniversary of the White House Fellows Program.

S. RES. 644

At the request of Mr. KAUFMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 644, a resolution designating the week beginning October 10, 2010, as ''National Wildlife Refuge Week''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWN of Massachusetts (for himself, Ms. SNOWE, Mr. BENNETT, Mr. CORKER, Ms. COLLINS, Mr. VOINOVICH, Mr. ALEXANDER, and Mr. CHAMBLISS):

S. 11. A bill to restore the application of the 340B drug discount program to orphan drugs with respect to children's hospitals; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN of Massachusetts. Mr. President, I come to the floor today to speak about a bill that I am introducing today along with several of my Senate colleagues. My bill protects the lives of the most vulnerable among us our Nation's children by ensuring children's hospitals across the country are able to purchase orphan drugs at a discount.

I am pleased to be joined by my colleagues: Senators SNOW, BENNETT, CORKER, COLLINS, VOINOVICH, ALEXANDER, and CHAMBLISS today, to stand together to provide for and protect the ability of children's hospitals to access medicines for their patients at a reduced price.

As my colleagues are aware, access to orphan drugs are critically important to children, many of whom, if they are ill, suffer from rare disease or conditions. Orphan drugs, by definition, are designed and developed to help and treat diseases or conditions that affect fewer than 200,000 people, many of whom are children. On a daily basis, the Children's Hospital of Boston uses most of the 347 medicines that are designated orphan drugs.

The bill my colleagues and I are introducing today restores and protects the ability for children's hospitals to access those outpatient medicines through the 340B drug discount program authorized in the Public Health Services Act. Access to this program and the corresponding discount saves the Children's Hospital of Boston nearly $3 million annually, but more importantly, Children's Hospital of Boston is able to save lives as a result. Hospitals and doctors at children's hospitals are able to access life-saving medicines, children live better lives, and families are given a piece of mind.

Passing this bill quickly is the right thing to do and I encourage the Senate to act swiftly to enact my legislation to ensure that children's hospitals can once again receive discounted pricing on these life-saving medicines.

There is no cause for delay. The House has passed this restorative language twice already. The Senate needs to do the same.

I believe quick passage is possible quick passage should be possible because of the support and efforts that I have seen demonstrated by my fellow Senators.

Senator SHERROD BROWN has been a thoughtful leader on this issue and I respect and admire him for his work. Because of his leadership and perseverance, he was able to secure the support of sixteen Democratic Senators in favor of this legislation, all of whom signed a letter to the Majority Leader, expressing their support to restore access to this very important program.

I am hopeful that Senator SHERROD BROWN and I can continue to work across party lines and with all of our colleagues to reach agreement and find resolution on this.

My door is always open to my colleagues who are willing to work together to solve common problems. In

this instance, our Nation's children deserve that we come together and protect their access to medicines that will save their lives.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 11

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

SECTION 1. CONTINUED INCLUSION OF ORPHAN DRUGS IN DEFINITION OF COVERED OUTPATIENT DRUGS WITH RESPECT TO CHILDREN'S HOSPITALS UNDER THE 340B DRUG DISCOUNT PROGRAM.

(a) AMENDMENT.—Subsection (e) of section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by striking ''covered entities described in subparagraph (M)'' and inserting ''covered entities described in subparagraph (M) (other than a children's hospital described in subparagraph (M))''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 2302 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

U.S. SENATE,
Washington, DC, August 5, 2010.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR MAJORITY LEADER REID: We are writing to ask that a technical correction to Section 2302 of the Health Care and Education Reconciliation Act (HCERA) be provided at the earliest opportunity. The Section exempted orphan drugs from required discounts for newly eligible entities added to the 340B statute under the Act. PPS-exempt children's hospitals were included among these entities, when in fact they were already eligible for and participating in the 340B program.

Since the HCERA provision was effective upon enactment, it is imperative that a retroactive correction be made as soon as possible. Both the House and Senate have included this correction in various pieces of legislation, but none of these bills have been signed into law. We thank you for your efforts to date to fix this problem and respectfully ask for your continued help in ensuring another legislative vehicle for the prompt passage of a technical correction restoring the children's hospitals' ability to fully participate in the 340B drug discount program.

Children's hospitals use on a daily basis most of the 347 drugs that have received orphan drug status. The hospitals participating in the 340B drug discount program have achieved significant savings. They estimate that those savings would be reduced dramatically with the orphan drug exemption. If the exemption is not corrected, the children's hospitals will have to pay wholesale prices for these drugs or leave the 340B program.

We would appreciate your continued support to ensure that children's hospitals do not lose the critical benefit provided by the 340B program.

Sincerely,

Sherrod Brown; John F. Kerry; Joseph I. Lieberman; ———; Al Franken; Amy Klobuchar; Mary L. Landrieu; Debbie Stabenow; Maria Cantwell; Kirsten E. Gillibrand; Christopher J. Dodd; Robert P. Casey, Jr.; Carl Levin; Dianne Feinstein; Herb Kohl; Arlen Specter; Barbara Boxer.

CHILDREN'S HOSPITAL BOSTON,
Boston, MA, August 24, 2010.

Senator SCOTT BROWN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR BROWN: We write with urgency to request your leadership on a pressing issue facing Children's Hospital Boston. An unintentional error in the Health Care Education and Reconciliation Act (HCERA) is threatening children's hospitals access to discounts on orphan drugs through the drug discount program authorized under section 340B of the Public Health Service Act.

The 340B program allows a number of safety net providers to purchase outpatient pharmaceuticals at discounted rates, thereby expanding access to care to low income and vulnerable populations. The program saves Children's Hospital Boston between $1.5 and $3 million annually and is of no cost to the government. Participation in this program has made it possible for the hospital to control costs in a challenging environment and ensure patient access to outpatient drugs, such as Botox (used to reduce spasticity in patients with cerebral palsy and other neurological disorders) and Rituximab (used to treat non-Hodgkins lymphoma and to alleviate the effects of severe juvenile arthritis).

Children's hospitals were included in the 340B program through an amendment to Medicaid in the Deficit Reduction Act of 2005. Federal guidance enabling them to enroll in the program was finally published in September 2009, and 25 children hospitals, including Children's Hospital Boston, are now participating. The Patient Protection & Affordable Care Act (PPACA) added some new types of hospitals as eligible entities to the 340B statute and also included the children's hospitals so that they would be subject to same regulatory requirements as other eligible providers. When HCERA amended the PPACA with a last minute provision exempting orphan drugs from discounts received by all of the newly eligible providers, children's hospitals were unfortunately included, even though they were already eligible for and participating in the 34013 program.

Without a technical correction restoring 340B discounts for orphan drugs, Children's Hospital Boston is facing the loss of most of its savings from the 340B program and the choice of either leaving the program or paying wholesale prices for orphan drugs. Orphan drugs, i.e. drugs developed to treat a disease that afflicts relatively few, are widely used in children's hospitals, given their role in caring for the sickest children with the most complex health care needs. In addition, orphan drugs may also be used more widely in treating other diseases or conditions. Indeed, Children's Hospital Boston currently uses most of the 347 drugs with orphan drug status on a daily basis.

The Massachusetts Biotechnology Council (MassBio), which represents more than 600 biotechnology companies, universities and academic institutions dedicated to advancing cutting edge research, urges a correction to this problem. As you likely know, the focus of MassBio is to foster an environment in the state where biotechnology companies can succeed. For MassBio, as well as the member companies, true success means that research and development leads to treatments that reach the most vulnerable patients in our state. As such, it is critical that institutions like Children's Hospital Boston have ready access to the pharmaceuticals they need to treat seriously ill children.

As the months pass and denials of discounts for orphan drugs begin, we are gravely concerned about the cost impact of this mistake on Children's Hospital Boston. The hospital employs more than 8,000 people, treats thousands of very sick children annually and is the safety-net provider for Massachusetts children. Children's has worked diligently in coordination with insurers and others in the industry to reduce health care costs and improve efficiency.

Without immediate legislative action, Children's Hospital Boston will be forced to withdraw from this cost saving, health care enhancing program. As leaders in the Massachusetts health care industry and partners in improving community health, we ask you to take a leadership role in the correction of the issue. Corrective language was included in the two tax extenders bills that passed in the House. However, the language, while uncontroversial, has not been included in any legislation that has passed the Senate.

We hope that you will agree to serve as an original cosponsor of the legislation drafted by Senator Sherrod Brown (attached) and contact the Majority and Minority leadership in the Senate to insist that this issue not be tied up in politics.

Sincerely,

JAMES MANDELL, MD,
CEO, Children's Hospital Boston.
ROBERT K. COUGHLIN,
President & CEO, MassBio.

By Mr. KERRY (for himself, Mr. DURBIN, Mr. CASEY, Mr. BROWN of Ohio, Mr. BINGAMAN, Mr. BURRIS, Mr. HARKIN, Mr. LEAHY, Mr. MENENDEZ, Mr. REED, Mr. DODD, Mrs. BOXER, Mr. SCHUMER, and Mr. LAUTENBERG):

S. 3849. A bill to extend the Emergency Contingency Fund for State Temporary Assistance for Needy Families Program, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, I come to the floor today to support extending a critically needed program that provides hope to 250,000 of our poorest families.

I am joined by Senators DURBIN, CASEY, SHERROD BROWN, BINGAMAN, BURRIS, HARKIN, LEAHY, BOXER, MENENDEZ, REED and DODD in offering the Job Preservation for Parents in Poverty Act, which simply provides a 3-month extension of the Temporary Assistance for Needy Families, TANF, Emergency Contingency Fund. The $500 million in funding needed to pay for this extension is offset with corresponding reductions to the regular TANF Contingency Fund in fiscal year 2012.

We have suffered through the worst recession since the great depression. Just this month, the Census Bureau reported that nearly 44 million Americans—1 in 7—lived in poverty last year. This represents the largest number of Americans living in poverty since the Census Bureau began keeping these statistics 51 years ago.

The TANF Emergency Fund was created as part of the Recovery Act enacted last year to provide temporary, targeted, emergency spending that combats the recession by helping to create jobs for our poorest families. It gave States funds to subsidize jobs for low-income parents and older youth and to provide basic cash assistance and short-term benefits to the increasing numbers of poor families with children. It addresses the emergency needs of low-income families that are struggling in the recession.

At least 36 States have used TANF Emergency Contingency Funds to create or expand subsidized employment programs. States have used this fund to create subsidized jobs in the private and public sectors during the depth of the recession. By the time it expires at the end of September, the fund will have created approximately 250,000 jobs for low-income Americans who would otherwise be unemployed. Nearly all of these jobs will be eliminated if the program is not extended with additional funds.

If this worthy program is allowed to end on Thursday, these States will no longer be able to use the TANF Emergency Fund to subsidize employment and provide basic cash assistance to struggling families to help with housing and heating bills, domestic violence services, and transportation costs. This will hurt our economy because families on TANF have to spend nearly all of the money they receive to meet their basic needs. This will reduce demand for the goods and services, particularly in low-income communities.

Massachusetts relies on the TANF Emergency Contingency Fund to maintain the key existing safety net programs for cash assistance, emergency housing, rental vouchers, employment and training services, child care, and other initiatives to support low-income families getting back to work.

In Massachusetts, the Emergency Fund is used to provide TANF cash assistance to more than 50,000 low-income families in the Bay State each month. To qualify for this assistance, a family of three must have income less than $1,069 a month. Let me repeat that. To qualify for this assistance a family of three must have income of less than $1,069 a month. The maximum cash grant they can receive from the state is just $578 a month. Massachusetts also uses the fund to provide emergency shelter and related services to 3,000 homeless families.

An extension of the TANF Emergency Fund would provide Massachusetts with federal assistance to accommodate the 10 percent TANF caseload increase we have experienced since the start of the recession. It would enable the State to preserve and maintain critical services for our poorest citizens during these difficult economic times.

If Congress does not immediately act, tens of thousands of jobs will be lost. Businesses will lose access to critical employment support programs, and the lives of our poorest families will be made even more difficult.

Extending the TANF Emergency Contingency Fund is a common-sense policy that enjoys broad support from public officials, private experts, and bipartisan organizations, including: Mark Zandi, Chief Economist at Moody's Analytics; the National Governors Association; the National Conference of State Legislators; the American Public Human Services Association; and the National Association of State TANF Administrators. I ask all my colleagues to support this legislation.

Mr. CASEY. Mr. President, I rise to speak about a piece of legislation just introduced, S. 3849, the Job Preservation for Parents in Poverty Act, which is simply an extension of a program that has placed tens of thousands of people into jobs in this recession and is working. We want to make sure it is extended because of how effective it has been to help people find and keep jobs. This legislation is fully offset. I wish to spend a couple minutes talking about the provisions that make it so effective.

First, I thank a number of Senators who have led the fight—Senator KERRY, as well as our assistant majority leader, Senator DURBIN, for the work they have done, as well as others—and for the testimony we received from people across the country. I know in my case one person who spent a good deal of time making it clear to me and to others across southern Pennsylvania and even across the State about the effectiveness of this program was Mayor Nutter of Philadelphia who, like any mayor in the country in the middle of a recession, doesn't have the luxury of dealing with programs that don't work. He can only support and endorse programs that are working to create jobs. In a city such as Philadelphia, which still has a high unemployment rate, Mayor Nutter has relied upon this program, which is a rapid attachment effort to create jobs and keep people in those jobs.

We know the unemployment rates are intolerably too high. In our State we have 585,000 people out of work, just about 9.5 percent unemployment. Our poverty figures are going through the roof at the same time. We are seeing, in short, the real impact of this horrific recession.

One of the best ways to deal with that crisis is to have an extension of an important program that we refer to in Pennsylvania as the Pennsylvania Way to Work Program. It is helping keep people out of poverty and providing people with jobs; in this case, 12,000 people in Pennsylvania. I could go down the list of other States as well, but I won't. In our State, 12,864 adults have been helped by this program as well as summer youth, more than 7,800, for a total of 20,718.

It is fully offset. If we don't extend it, in many, if not most, States, these programs will be shut down. It is working. It is not only creating jobs, it is keeping people out of poverty because they are working. I would think everyone would want to support programs that are working and keeping people out of poverty.

It is critically important that we extend the program. I am grateful for the help our assistant majority leader, Senator DURBIN, has provided.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from the Commonwealth of Pennsylvania for speaking out for this important program. I know there are many jobs in his State which are at stake with this decision by the Senate. There are some 26,000 jobs in Illinois that hinge on a decision made by the Senate as to whether we extend this program. What we are discussing this afternoon gets down to the heart of the question: Will we do everything in our power to help Americans find work, particularly those who have struggled so hard in the past? Will we give them a chance to continue working in many instances or to find work? It is an important choice.

Here we have a stark example of this choice in the fate of a program called the TANF Emergency Contingency Fund. In my State, we call this program Put Illinois to Work. It helps States subsidize the cost of hiring workers in mostly private sector jobs.

This small program has had a huge impact in Illinois. Nearly 250,000 jobs have been created in 37 States. It is a program that everyone of both political parties should support. Rather than paying people to do nothing, this program helps private companies hire the employees they need but can't quite afford. Yet Republicans, at least to this point, are saying we should not extend this program past this Thursday. The end of this program in my State means the loss of thousands of jobs. I think the only reason there is opposition to this is the fact that it was originally conceived and offered to the Senate in the President's Recovery Act.

Though many on the other side of the aisle have taken a party-line position that they will oppose that act no matter what it did is unfortunate, particularly for people who are just trying to find a way to survive in a very tough economy. Many of them earn $10 an hour. These are not jobs on which one could get rich. They can survive on these jobs. We are trying to make sure these people have an opportunity to survive. This is a stimulus that works.

Who would argue with the concept or premise that putting people to work is a lot better than paying them to do nothing?

Senator JOHN KERRY of Massachusetts has a simple bill that would extend the jobs program by 3 months, but it is fully paid for by reducing the TANF program's future budget. The argument that it adds to the deficit does not work. It doesn't add to the deficit. It is paid for by future budgetary commitments. I am afraid that still we will find an objection from the other side of the aisle. They have objected to continuing this program on the continuing resolution which more or less keeps government in business while we are in recess.

Mr. President, 26,000 jobs are at stake in Illinois, and losing that many jobs would hurt my State. We already have an unemployment rate of over 10 percent. Governor Pat Quinn is trying to figure out how to save some of these jobs, but it is difficult with the budgetary problems we face in the State capital. It is not just Illinois that would suffer; 110,000 jobs would be lost in States represented by Republican Senators: 40,000 in Texas, which is represented by two Republican Senators; 20,000 in Georgia, represented by two Republican Senators; 10,000 in Kentucky, 10,000 people who will lose work this week in Kentucky represented by the minority leader. It is unfortunate that we have allowed some of these ideological positions to get in the way. It makes no difference that over 110,000 constituents represented by those on the other side of the aisle will be impacted by this objection.

I am afraid at this point some of our partisan differences are going to cost a lot of innocent people a chance to bring home a paycheck. I don't think that is what the American people want in Washington. I think what they are looking for us to do is to extend this program and save a quarter million Americans from losing their jobs.

I don't know if Senator KERRY is coming to the Senate floor, but I see some Members on the Republican side of the aisle. I will make the unanimous consent request at this point.

I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 3849, the Job Preservation for Parents in Poverty Act; that the Senate then proceed to its consideration; that the bill be read three times, passed, and the motion to reconsider be laid upon the table; and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Mr. President, reserving the right to object, and I will object, the majority has known this program was going to expire at the end of this month all year and has taken no steps to reauthorize this important social safety net program. We are also in the position of having to pass an extension of TANF. I am not sure the Senator from Illinois is aware that the chairman and ranking member of the Finance Committee have put together a bipartisan 1-year extension of TANF. I object.

The PRESIDING OFFICER. Objection is heard.

By Mr. REID (for Mrs. LINCOLN):

S. 3850. A bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act; to the Committee on Environment and Public Works.

Mrs. LINCOLN. Mr. President, I rise today to introduce a bill which will protect the great American traditions of hunting, fishing, and recreational shooting from actions that will drive up the costs of participation and directly impact employment across the country. Recently, extremist groups have filed a petition with the U.S. EPA to prohibit the use of lead in the manufacturing of ammunition and fishing tackle. This effort would not only drive up the cost of ammunition and fishing tackle, but would, as a direct result, drive down the number of people able to participate in these activities and directly hurt the millions of Americans who depend on the hunting, fishing, and shooting industries for part of their livelihoods.

Hunters and anglers are ardent conservationists and have proven themselves willing to consider lead alternatives when the data justifies it. For instance, since 1991, waterfowl hunters have been required to use non-lead ammunition to protect waterfowl species which have been scientifically proven to be vulnerable to exposure. However, EPA found in 1994 no scientific basis to proceed with a lead ban in fishing tackle. EPA rightly and quickly rejected the petition with regard to ammunition, stating that they did not have the authority to regulate ammunition under the Toxic Substances Control Act.

However, EPA is still considering a ban on lead fishing tackle. This ban would drive up costs on a sport that's appeal lies in its simplicity and accessibility to the broad American public. Lead sinkers are critical to both salt and freshwater anglers, and are frequently used in the types of fishing that attracts young people to this sport.

Moreover, a ban such as this would be a blow to thousands of people who depend on fishing tackle and ammunition manufacturing for their livelihoods. Companies like Remington in Lonoke, Arkansas employ over 20,000 Arkansans. The 5,500 manufacturers of firearms and ammunition and almost one million people working in sport fishing do not need EPA taking aim at their industry.

My bill simply clarifies that the components used in manufacturing shells, cartridges, and fishing tackle are exempt from EPA regulation under the Toxic Substances Control Act. Taking this simple step will provide certainty to these critical industries and prevent EPA and activist litigators from dragging this issue out through the courts for years.

I am confident that the sporting community will continue to work with the Fish and Wildlife Service and State Fish and Wildlife agencies to address issues around lead ammunition where and when the facts warrant it. But Congress must act to preserve our hunting and fishing traditions by ensuring access to affordable, vital tools our hunters and anglers rely on.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3850

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 ''Hunting, Fishing and Recreational Shooting Protection Act''.

SEC. 2. MODIFICATION OF DEFINITION.

Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) by striking ''(B) Such term does not include—'' and inserting the following:

''(B) EXCLUSIONS.—The term 'chemical substance' does not include—'';

(2) in clauses (i) through (iv), by striking the commas at the end of the clauses and inserting semicolons;

(3) by striking clause (v) and inserting the following:

''(v)(I) any article the sale of which is subject to, or eligible to be subject to, the tax imposed by section 4181 of the Internal Revenue Code of 1986, and any separate component of such an article (including shells, cartridges, and ammunition); or

''(II) any substance that is manufactured, processed, or distributed in commerce for use in any article or separate component described in subclause (I) (as determined without regard to any exemption from the tax imposed by section 4181 of the Internal Revenue Code of 1986 under section 4182, section 4221, or any other provision of that Code);'';

(4) in clause (vi), by striking the period at the end and inserting ''; or'';

(5) by inserting after clause (vi) the following:

''(vii)(I) any article the sale of which is subject to, or eligible to be subject to, the tax imposed by section 4161 of the Internal Revenue Code of 1986, and any separate component of such an article; or

''(II) any substance that is manufactured, processed, or distributed in commerce for use in any article or separate component described in subclause (I).''; and

(6) in the matter following clause (vii) (as added by paragraph (5)), by striking ''The

term 'food' as used in clause (vi) of this subparagraph includes'' and inserting the following:

''(C) RELATED DEFINITION.—For purposes of clause (vi) of subparagraph (B), the term 'food' includes''.

Mrs. HAGAN. Mr. President, today I am proud to introduce the Healthy Media for Youth Act. The purpose of this bill is to promote positive media depictions of girls and women among our nation's youth.

The majority of 8- to 18-year-olds spend about 10 hours a day watching television, on the computer, or playing video games. Unfortunately, the images they see often reinforce gender stereotypes, emphasize unrealistic body images, or show women in passive roles.

Positive and realistic female body images remain a problem. A recent survey by Girl Scouts of the USA's Research Institute found that 89 percent of girls feel the fashion industry places a lot of pressure on teenage girls to be thin. Even among girls as young as grades 3 through 5, fifty-four percent worry about their appearance, and 37 percent of these young girls worry specifically about their weight.

Women are often portrayed in passive or stereotypical roles, rather than in positions of power. Violence against women continues to be prevalent throughout media. The Parents Television Council reports that between 2004 and 2009, violence against women and teenage girls increased on television programming at a rate of 120 percent, compared with the 2 percent increase of overall violence in television content.

In 2007, the American Psychological Association, APA, conducted a report on the Sexualization of Girls and found that three of the most common mental health problems among girls—eating disorders, depression or depressed mood, and low self-esteem—are linked to the sexualization of girls and women in media. Boys are also negatively affected by the portrayal of girls because it sets up unrealistic expectations, which may impair future relationships between girls and boys.

The bill I'm introducing today starts to tackle this problem by promoting positive media messages about girls and women among our nation's youth.

Specifically, this bill would direct the U.S. Department of Health and Human Services, HHS, to award grants to nonprofit organizations to promote positive media depictions of girls and women among youth, and to empower girls and boys by developing self-esteem and leadership skills.

The bill also directs the Centers for Disease Control and Prevention, CDC, in coordination with the National Institute of Child Health and Human Development to review, synthesize, and research the role and impact of depictions of girls and women in the media on the psychological, sexual, physical, and interpersonal development of youth.

Finally, this bill requires the Federal Communications Commission, FCC, to convene a National Task Force on Girls and Women in the Media in order to develop voluntary steps and goals for promoting healthy and positive depictions of girls and women in the media for the benefit of all youth.

We must reverse this trend for this generation of youth and for future generations.

By Mr. CARPER (for himself, Mr. WARNER, Mr. AKAKA, Ms. COLLINS, Mr. VOINOVICH, and Mr. LIEBERMAN):

S. 3853. A bill to modernize and refine the requirements of the Government Performance and Results Act of 1993, to require quarterly performance reviews of Federal policy and management priorities, to establish Chief Operating Officers, Performance Improvement Officers, and the Performance Improvement Council, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARPER. Mr. President, today, as Chairman of the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, I offer a piece of legislation, along with my distinguished colleagues Senators WARNER, AKAKA, LIEBERMAN, COLLINS and VOINOVICH, that I believe will lead us on a path to a more effective and efficient federal government.

It has been more than 17 years since Congress passed the Government Performance and Results Act, GPRA, to help us better manage our finite resources and improve the effectiveness and delivery of Federal programs. Since that time, agencies across the federal government have developed and implemented strategic plans and have routinely generated a tremendous amount of performance data. The question is—have Federal agencies actually used their performance data to get better results?

Producing information does not by itself improve performance and experts from both sides of the aisle agree that the solutions developed in 1993 have not worked. The American people deserve—and our fiscal challenges demand—better results.

The GPRA Modernization Act of 2010 which I offer today aims to assist and motivate—Federal agencies to put away the stacks of reports that no one reads and actually start to think how we can improve the effectiveness, efficiency and transparency of our Government.

This legislation represents the many lessons learned over the past 17 years and brings a high level, government wide focus to making our government work better for the American people. It builds off the important strides President Obama's administration has made in this area and pushes Federal agencies even further to not only make goals, but to make individuals responsible for meeting them.

While the strength of our democracy rests on the ability of our government to deliver its promises to the people, we in Congress have a responsibility to be judicious stewards of the resources taxpayers invest in America, and ensure those resources are managed honestly, transparently and effectively. The GPRA Modernization Act of 2010 also calls on the federal government to identify where we are not performing well so we can make better decisions about where we should and should not be putting our scarce resources.

Today we face unparalleled challenges both here and abroad, and these require a knowledgeable and nimble federal government that can respond effectively. With concerns growing over the mounting federal deficit and national debt, the American people deserve to know that every dollar they send to Washington is being used to its utmost potential. Performance information is an invaluable tool that can ensure just that. If used effectively, it can identify problems, find solutions, and develop approaches that improve outcomes and produce results.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3853

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 ''GPRA Modernization Act of 2010''.

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

SEC. 2. STRATEGIC PLANNING AMENDMENTS.

Chapter 3 of title 5, United States Code, is amended by striking section 306 and inserting the following:

''§ 306. Agency strategic plans

''(a) Not later than the first Monday in February of any year following the year in which the term of the President commences under section 101 of title 3, the head of each agency shall make available on the public website of the agency a strategic plan and notify the President and Congress of its availability. Such plan shall contain—

''(1) a comprehensive mission statement covering the major functions and operations of the agency;

''(2) general goals and objectives, including outcome-oriented goals, for the major functions and operations of the agency;

''(3) a description of how any goals and objectives contribute to the Federal Government priority goals required by section 1120(a) of title 31;

''(4) a description of how the goals and objectives are to be achieved, including—

''(A) a description of the operational processes, skills and technology, and the human, capital, information, and other resources required to achieve those goals and objectives; and

''(B) a description of how the agency is working with other agencies to achieve its goals and objectives as well as relevant Federal Government priority goals;

''(5) a description of how the goals and objectives incorporate views and suggestions obtained through congressional consultations required under subsection (d);

''(6) a description of how the performance goals provided in the plan required by section 1115(a) of title 31, including the agency priority goals required by section 1120(b) of title 31, if applicable, contribute to the general goals and objectives in the strategic plan;

''(7) an identification of those key factors external to the agency and beyond its control that could significantly affect the achievement of the general goals and objectives; and

''(8) a description of the program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations to be conducted.

''(b) The strategic plan shall cover a period of not less than 4 years following the fiscal year in which the plan is submitted. As needed, the head of the agency may make adjustments to the strategic plan to reflect significant changes in the environment in which the agency is operating, with appropriate notification of Congress.

''(c) The performance plan required by section 1115(b) of title 31 shall be consistent with the agency's strategic plan. A performance plan may not be submitted for a fiscal year not covered by a current strategic plan under this section.

''(d) When developing or making adjustments to a strategic plan, the agency shall consult periodically with the Congress, including majority and minority views from the appropriate authorizing, appropriations, and oversight committees, and shall solicit and consider the views and suggestions of those entities potentially affected by or interested in such a plan. The agency shall consult with the appropriate committees of Congress at least once every 2 years.

''(e) The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of strategic plans under this section shall be performed only by Federal employees.

''(f) For purposes of this section the term 'agency' means an Executive agency defined under section 105, but does not include the Central Intelligence Agency, the Government Accountability Office, the United States Postal Service, and the Postal Regulatory Commission.''.

SEC. 3. PERFORMANCE PLANNING AMENDMENTS.

Chapter 11 of title 31, United States Code, is amended by striking section 1115 and inserting the following:

''§ 1115. Federal Government and agency performance plans

''(a) FEDERAL GOVERNMENT PERFORMANCE PLANS.—In carrying out the provisions of section 1105(a)(28), the Director of the Office of Management and Budget shall coordinate with agencies to develop the Federal Government performance plan. In addition to the submission of such plan with each budget of the United States Government, the Director of the Office of Management and Budget shall ensure that all information required by this subsection is concurrently made available on the website provided under section 1122 and updated periodically, but no less than annually. The Federal Government performance plan shall—

''(1) establish Federal Government performance goals to define the level of performance to be achieved during the year in which the plan is submitted and the next fiscal year for each of the Federal Government priority goals required under section 1120(a) of this title;

''(2) identify the agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities contributing to each Federal Government performance goal during the current fiscal year;

''(3) for each Federal Government performance goal, identify a lead Government official who shall be responsible for coordinating the efforts to achieve the goal;

''(4) establish common Federal Government performance indicators with quarterly targets to be used in measuring or assessing—

''(A) overall progress toward each Federal Government performance goal; and

''(B) the individual contribution of each agency, organization, program activity, regulation, tax expenditure, policy, and other activity identified under paragraph (2);

''(5) establish clearly defined quarterly milestones; and

''(6) identify major management challenges that are Governmentwide or crosscutting in nature and describe plans to address such challenges, including relevant performance goals, performance indicators, and milestones.

''(b) AGENCY PERFORMANCE PLANS.—Not later than the first Monday in February of each year, the head of each agency shall make available on a public website of the agency, and notify the President and the Congress of its availability, a performance plan covering each program activity set forth in the budget of such agency. Such plan shall—

''(1) establish performance goals to define the level of performance to be achieved during the year in which the plan is submitted and the next fiscal year;

''(2) express such goals in an objective, quantifiable, and measurable form unless authorized to be in an alternative form under subsection (c);

''(3) describe how the performance goals contribute to—

''(A) the general goals and objectives established in the agency's strategic plan required by section 306(a)(2) of title 5; and

''(B) any of the Federal Government performance goals established in the Federal Government performance plan required by subsection (a)(1);

''(4) identify among the performance goals those which are designated as agency priority goals as required by section 1120(b) of this title, if applicable;

''(5) provide a description of how the performance goals are to be achieved, including—

''(A) the operation processes, training, skills and technology, and the human, capital, information, and other resources and strategies required to meet those performance goals;

''(B) clearly defined milestones;

''(C) an identification of the organizations, program activities, regulations, policies, and other activities that contribute to each performance goal, both within and external to the agency;

''(D) a description of how the agency is working with other agencies to achieve its performance goals as well as relevant Federal Government performance goals; and

''(E) an identification of the agency officials responsible for the achievement of each performance goal, who shall be known as goal leaders;

''(6) establish a balanced set of performance indicators to be used in measuring or assessing progress toward each performance goal, including, as appropriate, customer service, efficiency, output, and outcome indicators;

''(7) provide a basis for comparing actual program results with the established performance goals;

''(8) a description of how the agency will ensure the accuracy and reliability of the data used to measure progress towards its performance goals, including an identification of—

''(A) the means to be used to verify and validate measured values;

''(B) the sources for the data;

''(C) the level of accuracy required for the intended use of the data;

''(D) any limitations to the data at the required level of accuracy; and

''(E) how the agency will compensate for such limitations if needed to reach the required level of accuracy;

''(9) describe major management challenges the agency faces and identify—

''(A) planned actions to address such challenges;

''(B) performance goals, performance indicators, and milestones to measure progress toward resolving such challenges; and

''(C) the agency official responsible for resolving such challenges; and

''(10) identify low-priority program activities based on an analysis of their contribution to the mission and goals of the agency and include an evidence-based justification for designating a program activity as low priority.

''(c) ALTERNATIVE FORM.—If an agency, in consultation with the Director of the Office of Management and Budget, determines that it is not feasible to express the performance goals for a particular program activity in an objective, quantifiable, and measurable form, the Director of the Office of Management and Budget may authorize an alternative form. Such alternative form shall—

''(1) include separate descriptive statements of—

''(A)(i) a minimally effective program; and

''(ii) a successful program; or

''(B) such alternative as authorized by the Director of the Office of Management and Budget, with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program activity's performance meets the criteria of the description; or

''(2) state why it is infeasible or impractical to express a performance goal in any form for the program activity.

''(d) TREATMENT OF PROGRAM ACTIVITIES.—For the purpose of complying with this section, an agency may aggregate, disaggregate, or consolidate program activities, except that any aggregation or consolidation may not omit or minimize the significance of any program activity constituting a major function or operation for the agency.

''(e) APPENDIX.—An agency may submit with an annual performance plan an appendix covering any portion of the plan that—

''(1) is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy; and

''(2) is properly classified pursuant to such Executive order.

''(f) INHERENTLY GOVERNMENTAL FUNCTIONS.—The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of performance plans under this section shall be performed only by Federal employees.

''(g) CHIEF HUMAN CAPITAL OFFICERS.—With respect to each agency with a Chief Human Capital Officer, the Chief Human Capital Officer shall prepare that portion of the annual performance plan described under subsection (b)(5)(A).

''(h) DEFINITIONS.—For purposes of this section and sections 1116 through 1125, and sections 9703 and 9704, the term—

''(1) 'agency' has the same meaning as such term is defined under section 306(f) of title 5;

''(2) 'crosscutting' means across organizational (such as agency) boundaries;

''(3) 'customer service measure' means an assessment of service delivery to a customer, client, citizen, or other recipient, which can include an assessment of quality, timeliness, and satisfaction among other factors;

''(4) 'efficiency measure' means a ratio of a program activity's inputs (such as costs or hours worked by employees) to its outputs (amount of products or services delivered) or outcomes (the desired results of a program);

''(5) 'major management challenge' means programs or management functions, within or across agencies, that have greater vulnerability to waste, fraud, abuse, and mismanagement (such as issues identified by the Government Accountability Office as high risk or issues identified by an Inspector General) where a failure to perform well could seriously affect the ability of an agency or the Government to achieve its mission or goals;

''(6) 'milestone' means a scheduled event signifying the completion of a major deliverable or a set of related deliverables or a phase of work;

''(7) 'outcome measure' means an assessment of the results of a program activity compared to its intended purpose;

''(8) 'output measure' means the tabulation, calculation, or recording of activity or effort that can be expressed in a quantitative or qualitative manner;

''(9) 'performance goal' means a target level of performance expressed as a tangible, measurable objective, against which actual achievement can be compared, including a goal expressed as a quantitative standard, value, or rate;

''(10) 'performance indicator' means a particular value or characteristic used to measure output or outcome;

''(11) 'program activity' means a specific activity or project as listed in the program and financing schedules of the annual budget of the United States Government; and

''(12) 'program evaluation' means an assessment, through objective measurement and systematic analysis, of the manner and extent to which Federal programs achieve intended objectives.''.

SEC. 4. PERFORMANCE REPORTING AMENDMENTS.

Chapter 11 of title 31, United States Code, is amended by striking section 1116 and inserting the following:

''§ 1116. Agency performance reporting

''(a) The head of each agency shall make available on a public website of the agency an update on agency performance.

''(b)(1) Each update shall compare actual performance achieved with the performance goals established in the agency performance plan under section 1115(b) and shall occur no less than 150 days after the end of each fiscal year, with more frequent updates of actual performance on indicators that provide data of significant value to the Government, Congress, or program partners at a reasonable level of administrative burden.

''(2) If performance goals are specified in an alternative form under section 1115(c), the results shall be described in relation to such specifications, including whether the performance failed to meet the criteria of a minimally effective or successful program.

''(c) Each update shall—

''(1) review the success of achieving the performance goals and include actual results for the 5 preceding fiscal years;

''(2) evaluate the performance plan for the current fiscal year relative to the performance achieved toward the performance goals during the period covered by the update;

''(3) explain and describe where a performance goal has not been met (including when a program activity's performance is determined not to have met the criteria of a successful program activity under section 1115(c)(1)(A)(ii) or a corresponding level of achievement if another alternative form is used)—

''(A) why the goal was not met;

''(B) those plans and schedules for achieving the established performance goal; and

''(C) if the performance goal is impractical or infeasible, why that is the case and what action is recommended;

''(4) describe the use and assess the effectiveness in achieving performance goals of any waiver under section 9703 of this title;

''(5) include a review of the performance goals and evaluation of the performance plan relative to the agency's strategic human capital management;

''(6) describe how the agency ensures the accuracy and reliability of the data used to measure progress towards its performance goals, including an identification of—

''(A) the means used to verify and validate measured values;

''(B) the sources for the data;

''(C) the level of accuracy required for the intended use of the data;

''(D) any limitations to the data at the required level of accuracy; and

''(E) how the agency has compensated for such limitations if needed to reach the required level of accuracy; and

''(7) include the summary findings of those program evaluations completed during the period covered by the update.

''(d) If an agency performance update includes any program activity or information that is specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and is properly classified pursuant to such Executive Order, the head of the agency shall make such information available in the classified appendix provided under section 1115(e).

''(e) The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of agency performance updates under this section shall be performed only by Federal employees.''.

SEC. 5. FEDERAL GOVERNMENT AND AGENCY PRIORITY GOALS.

Chapter 11 of title 31, United States Code, is amended by adding after section 1119 the following:

''§ 1120. Federal Government and agency priority goals

''(a) FEDERAL GOVERNMENT PRIORITY GOALS.—

''(1) The Director of the Office of Management and Budget shall coordinate with agencies to develop priority goals to improve the performance and management of the Federal Government. Such Federal Government priority goals shall include—

''(A) outcome-oriented goals covering a limited number of crosscutting policy areas; and

''(B) goals for management improvements needed across the Federal Government, including—

''(i) financial management;

''(ii) human capital management;

''(iii) information technology management;

''(iv) procurement and acquisition management; and

''(v) real property management;

''(2) The Federal Government priority goals shall be long-term in nature. At a minimum, the Federal Government priority goals shall be updated or revised every 4 years and made publicly available concurrently with the submission of the budget of the United States Government made in the first full fiscal year following any year in which the term of the President commences under section 101 of title 3. As needed, the Director of the Office of Management and Budget may make adjustments to the Federal Government priority goals to reflect significant changes in the environment in which the Federal Government is operating, with appropriate notification of Congress.

''(3) When developing or making adjustments to Federal Government priority goals, the Director of the Office of Management and Budget shall consult periodically with the Congress, including obtaining majority and minority views from—

''(A) the Committees on Appropriations of the Senate and the House of Representatives;

''(B) the Committees on the Budget of the Senate and the House of Representatives;

''(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(D) the Committee on Oversight and Government Reform of the House of Representatives;

''(E) the Committee on Finance of the Senate;

''(F) the Committee on Ways and Means of the House of Representatives; and

''(G) any other committees as determined appropriate;

''(4) The Director of the Office of Management and Budget shall consult with the appropriate committees of Congress at least once every 2 years.

''(5) The Director of the Office of Management and Budget shall make information about the Federal Government priority goals available on the website described under section 1122 of this title.

''(6) The Federal Government performance plan required under section 1115(a) of this

title shall be consistent with the Federal Government priority goals.

''(b) AGENCY PRIORITY GOALS.—

''(1) Every 2 years, the head of each agency listed in section 901(b) of this title, or as otherwise determined by the Director of the Office of Management and Budget, shall identify agency priority goals from among the performance goals of the agency. The Director of the Office of Management and Budget shall determine the total number of agency priority goals across the Government, and the number to be developed by each agency. The agency priority goals shall—

''(A) reflect the highest priorities of the agency, as determined by the head of the agency and informed by the Federal Government priority goals provided under subsection (a) and the consultations with Congress and other interested parties required by section 306(d) of title 5;

''(B) have ambitious targets that can be achieved within a 2-year period;

''(C) have a clearly identified agency official, known as a goal leader, who is responsible for the achievement of each agency priority goal;

''(D) have interim quarterly targets for performance indicators if more frequent updates of actual performance provides data of significant value to the Government, Congress, or program partners at a reasonable level of administrative burden; and

''(E) have clearly defined quarterly milestones.

''(2) If an agency priority goal includes any program activity or information that is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and is properly classified pursuant to such Executive order, the head of the agency shall make such information available in the classified appendix provided under section 1115(e).

''(c) The functions and activities of this section shall be considered to be inherently governmental functions. The development of Federal Government and agency priority goals shall be performed only by Federal employees.''.

SEC. 6. QUARTERLY PRIORITY PROGRESS REVIEWS AND USE OF PERFORMANCE INFORMATION.

Chapter 11 of title 31, United States Code, is amended by adding after section 1120 (as added by section 5 of this Act) the following:

''§ 1121. Quarterly priority progress reviews and use of performance information

''(a) USE OF PERFORMANCE INFORMATION TO ACHIEVE FEDERAL GOVERNMENT PRIORITY GOALS.—Not less than quarterly, the Director of the Office of Management and Budget, with the support of the Performance Improvement Council, shall—

''(1) for each Federal Government priority goal required by section 1120(a) of this title, review with the appropriate lead Government official the progress achieved during the most recent quarter, overall trend data, and the likelihood of meeting the planned level of performance;

''(2) include in such reviews officials from the agencies, organizations, and program activities that contribute to the accomplishment of each Federal Government priority goal;

''(3) assess whether agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities are contributing as planned to each Federal Government priority goal;

''(4) categorize the Federal Government priority goals by risk of not achieving the planned level of performance; and

''(5) for the Federal Government priority goals at greatest risk of not meeting the planned level of performance, identify prospects and strategies for performance improvement, including any needed changes to agencies, organizations, program activities, regulations, tax expenditures, policies or other activities.

''(b) AGENCY USE OF PERFORMANCE INFORMATION TO ACHIEVE AGENCY PRIORITY GOALS.—Not less than quarterly, at each agency required to develop agency priority goals required by section 1120(b) of this title, the head of the agency and Chief Operating Officer, with the support of the agency Performance Improvement Officer, shall—

''(1) for each agency priority goal, review with the appropriate goal leader the progress achieved during the most recent quarter, overall trend data, and the likelihood of meeting the planned level of performance;

''(2) coordinate with relevant personnel within and outside the agency who contribute to the accomplishment of each agency priority goal;

''(3) assess whether relevant organizations, program activities, regulations, policies, and other activities are contributing as planned to the agency priority goals;

''(4) categorize agency priority goals by risk of not achieving the planned level of performance; and

''(5) for agency priority goals at greatest risk of not meeting the planned level of performance, identify prospects and strategies for performance improvement, including any needed changes to agency program activities, regulations, policies, or other activities.''.

SEC. 7. TRANSPARENCY OF FEDERAL GOVERNMENT PROGRAMS, PRIORITY GOALS, AND RESULTS.

Chapter 11 of title 31, United States Code, is amended by adding after section 1121 (as added by section 6 of this Act) the following:

''§ 1122. Transparency of programs, priority goals, and results

''(a) TRANSPARENCY OF AGENCY PROGRAMS.—

''(1) IN GENERAL.—Not later than October 1, 2012, the Office of Management and Budget shall—

''(A) ensure the effective operation of a single website;

''(B) at a minimum, update the website on a quarterly basis; and

''(C) include on the website information about each program identified by the agencies.

''(2) INFORMATION.—Information for each program described under paragraph (1) shall include—

''(A) an identification of how the agency defines the term 'program', consistent with guidance provided by the Director of the Office of Management and Budget, including the program activities that are aggregated, disaggregated, or consolidated to be considered a program by the agency;

''(B) a description of the purposes of the program and the contribution of the program to the mission and goals of the agency; and

''(C) an identification of funding for the current fiscal year and previous 2 fiscal years.

''(b) TRANSPARENCY OF AGENCY PRIORITY GOALS AND RESULTS.—The head of each agency required to develop agency priority goals shall make information about each agency priority goal available to the Office of Management and Budget for publication on the website, with the exception of any information covered by section 1120(b)(2) of this title. In addition to an identification of each agency priority goal, the website shall also consolidate information about each agency priority goal, including—

''(1) a description of how the agency incorporated any views and suggestions obtained through congressional consultations about the agency priority goal;

''(2) an identification of key factors external to the agency and beyond its control that could significantly affect the achievement of the agency priority goal;

''(3) a description of how each agency priority goal will be achieved, including—

''(A) the strategies and resources required to meet the priority goal;

''(B) clearly defined milestones;

''(C) the organizations, program activities, regulations, policies, and other activities that contribute to each goal, both within and external to the agency;

''(D) how the agency is working with other agencies to achieve the goal; and

''(E) an identification of the agency official responsible for achieving the priority goal;

''(4) the performance indicators to be used in measuring or assessing progress;

''(5) a description of how the agency ensures the accuracy and reliability of the data used to measure progress towards the priority goal, including an identification of—

''(A) the means used to verify and validate measured values;

''(B) the sources for the data;

''(C) the level of accuracy required for the intended use of the data;

''(D) any limitations to the data at the required level of accuracy; and

''(E) how the agency has compensated for such limitations if needed to reach the required level of accuracy;

''(6) the results achieved during the most recent quarter and overall trend data compared to the planned level of performance;

''(7) an assessment of whether relevant organizations, program activities, regulations, policies, and other activities are contributing as planned;

''(8) an identification of the agency priority goals at risk of not achieving the planned level of performance; and

''(9) any prospects or strategies for performance improvement.

''(c) TRANSPARENCY OF FEDERAL GOVERNMENT PRIORITY GOALS AND RESULTS.—The Director of the Office of Management and Budget shall also make available on the website—

''(1) a brief description of each of the Federal Government priority goals required by section 1120(a) of this title;

''(2) a description of how the Federal Government priority goals incorporate views and suggestions obtained through congressional consultations;

''(3) the Federal Government performance goals and performance indicators associated with each Federal Government priority goal as required by section 1115(a) of this title;

''(4) an identification of the lead Government official for each Federal Government performance goal;

''(5) the results achieved during the most recent quarter and overall trend data compared to the planned level of performance;

''(6) an identification of the agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities that contribute to each Federal Government priority goal;

''(7) an assessment of whether relevant agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities are contributing as planned;

''(8) an identification of the Federal Government priority goals at risk of not achieving the planned level of performance; and

''(9) any prospects or strategies for performance improvement.

''(d) INFORMATION ON WEBSITE.—The information made available on the website under this section shall be readily accessible and easily found on the Internet by the public and members and committees of Congress. Such information shall also be presented in a searchable, machine-readable format. The Director of the Office of Management and Budget shall issue guidance to ensure that such information is provided in a way that presents a coherent picture of all Federal programs, and the performance of the Federal Government as well as individual agencies.''.

SEC. 8. AGENCY CHIEF OPERATING OFFICERS.

Chapter 11 of title 31, United States Code, is amended by adding after section 1122 (as added by section 7 of this Act) the following:

''§ 1123. Chief Operating Officers

''(a) ESTABLISHMENT.—At each agency, the deputy head of agency, or equivalent, shall be the Chief Operating Officer of the agency.

''(b) FUNCTION.—Each Chief Operating Officer shall be responsible for improving the management and performance of the agency, and shall—

''(1) provide overall organization management to improve agency performance and achieve the mission and goals of the agency through the use of strategic and performance planning, measurement, analysis, regular assessment of progress, and use of performance information to improve the results achieved;

''(2) advise and assist the head of agency in carrying out the requirements of sections 1115 through 1122 of this title and section 306 of title 5;

''(3) oversee agency-specific efforts to improve management functions within the agency and across Government; and

''(4) coordinate and collaborate with relevant personnel within and external to the agency who have a significant role in contributing to and achieving the mission and goals of the agency, such as the Chief Financial Officer, Chief Human Capital Officer, Chief Acquisition Officer/Senior Procurement Executive, Chief Information Officer, and other line of business chiefs at the agency.''.

SEC. 9. AGENCY PERFORMANCE IMPROVEMENT OFFICERS AND THE PERFORMANCE IMPROVEMENT COUNCIL.

Chapter 11 of title 31, United States Code, is amended by adding after section 1123 (as added by section 8 of this Act) the following:

''§ 1124. Performance Improvement Officers and the Performance Improvement Council

''(a) PERFORMANCE IMPROVEMENT OFFICERS.—

''(1) ESTABLISHMENT.—At each agency, the head of the agency, in consultation with the agency Chief Operating Officer, shall designate a senior executive of the agency as the agency Performance Improvement Officer.

''(2) FUNCTION.—Each Performance Improvement Officer shall report directly to the Chief Operating Officer. Subject to the direction of the Chief Operating Officer, each Performance Improvement Officer shall—

''(A) advise and assist the head of the agency and the Chief Operating Officer to ensure that the mission and goals of the agency are achieved through strategic and performance planning, measurement, analysis, regular assessment of progress, and use of performance information to improve the results achieved;

''(B) advise the head of the agency and the Chief Operating Officer on the selection of agency goals, including opportunities to collaborate with other agencies on common goals;

''(C) assist the head of the agency and the Chief Operating Officer in overseeing the implementation of the agency strategic planning, performance planning, and reporting requirements provided under sections 1115 through 1122 of this title and sections 306 of title 5, including the contributions of the agency to the Federal Government priority goals;

''(D) support the head of agency and the Chief Operating Officer in the conduct of regular reviews of agency performance, including at least quarterly reviews of progress achieved toward agency priority goals, if applicable;

''(E) assist the head of the agency and the Chief Operating Officer in the development and use within the agency of performance measures in personnel performance appraisals, and, as appropriate, other agency personnel and planning processes and assessments; and

''(F) ensure that agency progress toward the achievement of all goals is communicated to leaders, managers, and employees in the agency and Congress, and made available on a public website of the agency.

''(b) PERFORMANCE IMPROVEMENT COUNCIL.—

''(1) ESTABLISHMENT.—There is established a Performance Improvement Council, consisting of—

''(A) the Deputy Director for Management of the Office of Management and Budget, who shall act as chairperson of the Council;

''(B) the Performance Improvement Officer from each agency defined in section 901(b) of this title;

''(C) other Performance Improvement Officers as determined appropriate by the chairperson; and

''(D) other individuals as determined appropriate by the chairperson.

''(2) FUNCTION.—The Performance Improvement Council shall—

''(A) be convened by the chairperson or the designee of the chairperson, who shall preside at the meetings of the Performance Improvement Council, determine its agenda, direct its work, and establish and direct subgroups of the Performance Improvement Council, as appropriate, to deal with particular subject matters;

''(B) assist the Director of the Office of Management and Budget to improve the performance of the Federal Government and achieve the Federal Government priority goals;

''(C) assist the Director of the Office of Management and Budget in implementing the planning, reporting, and use of performance information requirements related to the Federal Government priority goals provided under sections 1115, 1120, 1121, and 1122 of this title;

''(D) work to resolve specific Governmentwide or crosscutting performance issues, as necessary;

''(E) facilitate the exchange among agencies of practices that have led to performance improvements within specific programs, agencies, or across agencies;

''(F) coordinate with other interagency management councils;

''(G) seek advice and information as appropriate from nonmember agencies, particularly smaller agencies;

''(H) consider the performance improvement experiences of corporations, nonprofit organizations, foreign, State, and local governments, Government employees, public sector unions, and customers of Government services;

''(I) receive such assistance, information and advice from agencies as the Council may request, which agencies shall provide to the extent permitted by law; and

''(J) develop and submit to the Director of the Office of Management and Budget, or when appropriate to the President through the Director of the Office of Management and Budget, at times and in such formats as the chairperson may specify, recommendations to streamline and improve performance management policies and requirements.

''(3) SUPPORT.—

''(A) IN GENERAL.—The Administrator of General Services shall provide administrative and other support for the Council to implement this section.

''(B) PERSONNEL.—The heads of agencies with Performance Improvement Officers serving on the Council shall, as appropriate and to the extent permitted by law, provide at the request of the chairperson of the Performance Improvement Council up to 2 personnel authorizations to serve at the direction of the chairperson.''.

SEC. 10. FORMAT OF PERFORMANCE PLANS AND REPORTS.

(a) SEARCHABLE, MACHINE-READABLE PLANS AND REPORTS.—For fiscal year 2012 and each fiscal year thereafter, each agency required to produce strategic plans, performance plans, and performance updates in accordance with the amendments made by this Act shall—

(1) not incur expenses for the printing of strategic plans, performance plans, and performance reports for release external to the agency, except when providing such documents to the Congress;

(2) produce such plans and reports in searchable, machine-readable formats; and

(3) make such plans and reports available on the website described under section 1122 of title 31, United States Code.

(b) WEB-BASED PERFORMANCE PLANNING AND REPORTING.—

(1) IN GENERAL.—Not later than June 1, 2012, the Director of the Office of Management and Budget shall issue guidance to agencies to provide concise and timely performance information for publication on the website described under section 1122 of title 31, United States Code, including, at a minimum, all requirements of sections 1115 and 1116 of title 31, United States Code, except for section 1115(e).

(2) HIGH-PRIORITY GOALS.—For agencies required to develop agency priority goals under section 1120(b) of title 31, United States Code, the performance information required under this section shall be merged with the existing information required under section 1122 of title 31, United States Code.

(3) CONSIDERATIONS.—In developing guidance under this subsection, the Director of the Office of Management and Budget shall take into consideration the experiences of agencies in making consolidated performance planning and reporting information available on the website as required under section 1122 of title 31, United States Code.

SEC. 11. REDUCING DUPLICATIVE AND OUTDATED AGENCY REPORTING.

(a) BUDGET CONTENTS.—Section 1105(a) of title 31, United States Code, is amended—

(1) by redesignating second paragraph (33) as paragraph (35); and

(2) by adding at the end the following:

''(37) the list of plans and reports, as provided for under section 1125, that agencies

identified for elimination or consolidation because the plans and reports are determined outdated or duplicative of other required plans and reports.''.

(b) ELIMINATION OF UNNECESSARY AGENCY REPORTING.—Chapter 11 of title 31, United States Code, is further amended by adding after section 1124 (as added by section 9 of this Act) the following:

''§ 1125. Elimination of unnecessary agency reporting

''(a) AGENCY IDENTIFICATION OF UNNECESSARY REPORTS.—Annually, based on guidance provided by the Director of the Office of Management and Budget, the Chief Operating Officer at each agency shall—

''(1) compile a list that identifies all plans and reports the agency produces for Congress, in accordance with statutory requirements or as directed in congressional reports;

''(2) analyze the list compiled under paragraph (1), identify which plans and reports are outdated or duplicative of other required plans and reports, and refine the list to include only the plans and reports identified to be outdated or duplicative;

''(3) consult with the congressional committees that receive the plans and reports identified under paragraph (2) to determine whether those plans and reports are no longer useful to the committees and could be eliminated or consolidated with other plans and reports; and

''(4) provide a total count of plans and reports compiled under paragraph (1) and the list of outdated and duplicative reports identified under paragraph (2) to the Director of the Office of Management and Budget.

''(b) PLANS AND REPORTS.—

''(1) FIRST YEAR.—During the first year of implementation of this section, the list of plans and reports identified by each agency as outdated or duplicative shall be not less than 10 percent of all plans and reports identified under subsection (a)(1).

''(2) SUBSEQUENT YEARS.—In each year following the first year described under paragraph (1), the Director of the Office of Management and Budget shall determine the minimum percent of plans and reports to be identified as outdated or duplicative on each list of plans and reports.

''(c) REQUEST FOR ELIMINATION OF UNNECESSARY REPORTS.—In addition to including the list of plans and reports determined to be outdated or duplicative by each agency in the budget of the United States Government, as provided by section 1105(a)(37), the Director of the Office of Management and Budget may concurrently submit to Congress legislation to eliminate or consolidate such plans and reports.''.

SEC. 12. PERFORMANCE MANAGEMENT SKILLS AND COMPETENCIES.

(a) PERFORMANCE MANAGEMENT SKILLS AND COMPETENCIES.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Personnel Management, in consultation with the Performance Improvement Council, shall identify the key skills and competencies needed by Federal Government personnel for developing goals, evaluating programs, and analyzing and using performance information for the purpose of improving Government efficiency and effectiveness.

(b) POSITION CLASSIFICATIONS.—Not later than 2 years after the date of enactment of this Act, based on the identifications under subsection (a), the Director of the Office of Personnel Management shall incorporate, as appropriate, such key skills and competencies into relevant position classifications.

(c) INCORPORATION INTO EXISTING AGENCY TRAINING.—Not later than 2 years after the enactment of this Act, the Director of the Office of Personnel Management shall work with each agency, as defined under section 306(f) of title 5, United States Code, to incorporate the key skills identified under subsection (a) into training for relevant employees at each agency.

SEC. 13. TECHNICAL AND CONFORMING AMENDMENTS.

(a) The table of contents for chapter 3 of title 5, United States Code, is amended by striking the item relating to section 306 and inserting the following:

''306. Agency strategic plans.''.

(b) The table of contents for chapter 11 of title 31, United States Code, is amended by striking the items relating to section 1115 and 1116 and inserting the following:

''1115. Federal Government and agency performance plans.
''1116. Agency performance reporting.''.

(c) The table of contents for chapter 11 of title 31, United States Code, is amended by adding at the end the following:

''1120. Federal Government and agency priority goals.
''1121. Quarterly priority progress reviews and use of performance information.
''1122. Transparency of programs, priority goals, and results.
''1123. Chief Operating Officers.
''1124. Performance Improvement Officers and the Performance Improvement Council.
''1125. Elimination of unnecessary agency reporting.''.

SEC. 14. IMPLEMENTATION OF THIS ACT.

(a) INTERIM PLANNING AND REPORTING.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall coordinate with agencies to develop interim Federal Government priority goals and submit interim Federal Government performance plans consistent with the requirements of this Act beginning with the submission of the fiscal year 2013 Budget of the United States Government.

(2) REQUIREMENTS.—Each agency shall—

(A) not later than February 6, 2012, make adjustments to its strategic plan to make the plan consistent with the requirements of this Act;

(B) prepare and submit performance plans consistent with the requirements of this Act, including the identification of agency priority goals, beginning with the performance plan for fiscal year 2013; and

(C) make performance reporting updates consistent with the requirements of this Act beginning in fiscal year 2012.

(3) QUARTERLY REVIEWS.—The quarterly priority progress reviews required under this Act shall begin—

(A) with the first full quarter beginning on or after the date of enactment of this Act for agencies based on the agency priority goals contained in the Analytical Perspectives volume of the Fiscal Year 2011 Budget of the United States Government; and

(B) with the quarter ending June 30, 2012 for the interim Federal Government priority goals.

(b) GUIDANCE.—The Director of the Office of Management and Budget shall prepare guidance for agencies in carrying out the interim planning and reporting activities required under subsection (a), in addition to other guidance as required for implementation of this Act.

SEC. 15. CONGRESSIONAL OVERSIGHT AND LEGISLATION.

(a) IN GENERAL.—Nothing in this Act shall be construed as limiting the ability of Congress to establish, amend, suspend, or annul a goal of the Federal Government or an agency.

(b) GAO REVIEWS.—

(1) INTERIM PLANNING AND REPORTING EVALUATION.—Not later than June 30, 2013, the Comptroller General shall submit a report to Congress that includes—

(A) an evaluation of the implementation of the interim planning and reporting activities conducted under section 14 of this Act; and

(B) any recommendations for improving implementation of this Act as determined appropriate.

(2) IMPLEMENTATION EVALUATIONS.—

(A) IN GENERAL.—The Comptroller General shall evaluate the implementation of this Act subsequent to the interim planning and reporting activities evaluated in the report submitted to Congress under paragraph (1).

(B) AGENCY IMPLEMENTATION.—

(i) EVALUATIONS.—The Comptroller General shall evaluate how implementation of this Act is affecting performance management at the agencies described in section 901(b) of title 31, United States Code, including whether performance management is being used by those agencies to improve the efficiency and effectiveness of agency programs.

(ii) REPORTS.—The Comptroller General shall submit to Congress—

(I) an initial report on the evaluation under clause (i), not later than September 30, 2015; and

(II) a subsequent report on the evaluation under clause (i), not later than September 30, 2017.

(C) FEDERAL GOVERNMENT PLANNING AND REPORTING IMPLEMENTATION.—

(i) EVALUATIONS.—The Comptroller General shall evaluate the implementation of the Federal Government priority goals, Federal Government performance plans and related reporting required by this Act.

(ii) REPORTS.—The Comptroller General shall submit to Congress—

(I) an initial report on the evaluation under clause (i), not later than September 30, 2015; and

(II) subsequent reports on the evaluation under clause (i), not later than September 30, 2017 and every 4 years thereafter.

(D) RECOMMENDATIONS.—The Comptroller General shall include in the reports required by subparagraphs (B) and (C) any recommendations for improving implementation of this Act and for streamlining the planning and reporting requirements of the Government Performance and Results Act of 1993.

Mr. WARNER. Mr. President, I rise to offer new legislation that I urge all my colleagues from both sides of the aisle to support. I am pleased to be joined by Senators CARPER, AKAKA, LIEBERMAN, COLLINS, and VOINOVICH as original cosponsors of this bill. The legislation we offer today, the Government Performance and Results Modernization Act of 2010, is directly aimed at improving operations and quantifying results across the Federal Government.

I think most of my colleagues know I am a business guy. In fact, I have spent more time in the business world than in the public sector. I have always

tried to apply commonsense business practices to the work of government, in my former job as Virginia Governor and now as Senator. This is a point I think most of us on both sides of the aisle would acknowledge: If I ran a business or if we ran any business the way we run the Federal Government, I would be out of business in short order. If we do not change—as we hear the kinds of folks across America say: We want to see more efficiency from our Federal Government—if we do not change, our government might get run out of business as well.

As chair of the Budget Committee Task Force on Government Performance, over the last 18 months I have been looking into how we use data and information to improve government operations. Over the last year, our task force has held a series of hearings, meetings, and conversations with public and private sector leaders from every level of government to learn more about what works and what does not work. Here is what we have learned.

At the beginning of every President's administration, it seems an entirely new performance agenda is established. The Bush administration had the President's Management Agenda, and the current administration has its own accountable government initiatives. With this frequent change in approach every 4 to 8 years, it is difficult to ensure that we are consistent in the data we collect, use the best tools and technology to analyze it, and then put the necessary accountability in place to orderly track performance and the basic functions of what government does. Let me give you a couple examples.

Agencies produce literally thousands of pages of data each year, but too often we do not use it. We do not use it in Congress. Public interest groups do not use it. Enormous efforts are put into collecting this data, and then it sits on the shelf. Typically, this performance data is only reported once a year, so it is often too late by the time we discover whether we are improving or falling behind.

We also do not compare the results of similar programs. Too often, so many of our government functions are siloed by agency or Department and rarely is this data analyzed in any kind of crosscutting fashion. We in the task force took a look at this. We looked, for example, at workforce training programs across the Federal Government. We are currently funding 44 separate Federal programs in 9 different departments to support workforce training. We all would agree that in a changing world, workforce training is key to America's competitiveness. But 44 programs in 9 different departments without any kind of crosscutting analysis? No business could operate that way. And it is not just workforce training. In food safety—a piece of legislation that we are working on that I and I know the Presiding Officer hope we pass before the end of the year to put new food safety standards in place—in food safety, we currently fund 17 different entities within 7 different departments involved in food safety activities. So how can we assess what is working and what is not working?

In short, government operates in silos. We report by agency and by program, but we do not know what we are doing in government in any particular project area or specific policy goal area. We need a better system that enables us to review the results of each program as a whole in terms of how they feed into a policy objective, where we are having the most impact, and, candidly, where we could find some room to cut or curtail.

Our Federal performance system also needs to increase the accountability of senior agency leadership. In many agencies, the performance planning and reporting is disconnected from the senior officials and not part of the daily operations of the agency. In other words, somebody's got this task, but their functions of performance audits and measurements and metrics do not have a direct line of reporting to whoever the chief operating officer of the particular agency is.

I can say that at the State and local level, we have actually made some progress in changing this around. Let me parochially start with what we did in Virginia. This chart I have in the Chamber is a little bit busy, but we created a Virginia Performs Web site. We use this to track progress we are making in key policy areas that are important to Virginians. So whether it is the economy, education—and we set commonsense goals that everyone can agree on across party lines, and then we look at the measurement criteria that lead to that goal. This is one of the reasons Virginia has earned the recognition as the best managed State in the country.

It is not just happening in Virginia, though. In Indiana, a different tool has been created. It is called the Transparency Portal by GOV Mitch Daniels. It again tries to bring transparency to the policy goals. Then we can argue about how we get there or how we ought to fund how we get there. But unless we have common agreement on the goal and then see which programs lead to that goal and measure the effectiveness of the individual programs, we are not going to get, particularly in these budget-constrained times, the best value for our Federal tax dollar.

I believe Washington has much to learn from these local and State level examples in setting goals, holding managers accountable, and using performance metrics in a consistent, user-friendly way. State and local decision-makers do not have to wait to look at the results once a year. They do it constantly. That is what we did in Virginia. That is what we need to do in our Nation's Capital as well.

In addition to this reporting and crosscutting, we also need to recognize that not all of these burdensome reporting requirements are of equal value. So the task force has focused on reducing reporting requirements to identify what reporting might be consolidated or eliminated. If you get overwhelmed with data at certain points, the data becomes somewhat less useful. So we want to focus these agencies on what are the key determinants on which they ought to report. I do not want to just add new reports and data requirements on agencies. There are bookshelves all over this town sagging from the weight of unread reports. So we must streamline and modernize what we are currently doing, and we need to examine outdated and overlapping agency reporting. We should only collect information that is useful.

The Government Performance and Results Modernization Act addresses many of our findings to improve the operations and results across government.

First, it will require all agencies to produce real-time data on results. As I mentioned earlier, in the past, agencies would report on performance only once a year. This bill would require agencies to post results quarterly so the public and Congress can use that real-time information about what works on targeted goals. With today's technology and if you are collecting data on an ongoing basis, there is no reason we should have this information only come out once a year. A quarterly requirement will allow us to correct and fine-tune on an ongoing basis.

Second, the bill requires agencies to post data on a single public Web site. This Web site will contain performance information from across government so we can see how we are performing and how national priorities such as education, public health, and safety, are being met. Again, I go back to Virginia Performs, which works. You agree on a top-line policy goal, and then you see across agencies how all these different programs feed in. So posting this on a single public Web site rather than having Members of Congress or the public sort through the myriad of sites right now is a step in the right direction.

Third, agencies will be required to identify low-priority programs that are not adequately contributing to the overall results. Now, this is controversial. Every agency likes to talk about its best performing programs. No agency likes to talk about which programs really are not getting the job done. But as we face increasingly budget constraining times, we must make sure we look not only at the winners but that we have the agencies themselves put forward those areas where programs are not meeting the goals.

Fourth, we need to take important steps to improve the accountability of the senior officers in government agencies. We formally establish that agency deputy secretaries are the chief operating officers and hold them accountable for the results the agencies are looking for. Again, you have to have a chain of command so somebody knows who is the chief operating officer and those people who are performing are responsible and those metrics are reported to that chief operating officer. We also establish a performance improvement officer who reports directly to the COO and, again, works across agencies to meet our crosscutting goals.

We also feel these efforts will generate ''back office'' savings, and we have as a policy goal—I do not believe this will be a stretch—a literally 10-percent reduction in written reports.

We sometimes get overloaded with data. We want to fine-tune the data. We want to make sure the more useful data is reported on a more regular basis, that extraneous amounts—some of the kind of burdensome stuff that has been put in in the past that may no longer be relevant—we want to eliminate. And within the agency, we want to make sure there is a clear chain of command.

I think the Government Performance and Results Modernization Act moves us forward in a major way. So this legislation—commonsense business practices, bipartisan, in an effort that will meet the 10-percent reduction in agency reports; the effort, finally, to make sure we can look at policy goals not by individual department or agency but across programmatic areas; the same kinds of business techniques that are used in Fortune 500 companies all across America and, for that matter, all across the world—will bring these best practices into the Federal Government and make sure we do not have this kind of start-and-stop effort that has, unfortunately, plagued modernization efforts over the past.

I urge my colleagues on both sides of the aisle—since this is bipartisan supported—to join in this effort. As we think about many of the major issues that we kind of fight through in these remaining days of this Congress, I hope, for this kind of commonsense piece of legislation, that we could get the time needed to get it passed. Again, I urge my colleagues to join us in this effort.

Mr. AKAKA. Mr. President, I am pleased to join Senators CARPER, WARNER, COLLINS, LIEBERMAN, and VOINOVICH in introducing the GPRA Modernization Act of 2010.

As an original cosponsor of the Government Performance and Results Act of 1993, often referred to as GPRA or the Results Act, I believe the time has come to refine and enhance this landmark bill.

President Obama, in his inaugural address, observed:

> The question we ask today is not whether our government is too big or too small but whether it works.

This question captures the essence of what the Results Act seeks to achieve. While the original Results Act made significant progress in encouraging agencies to develop a results-oriented culture, it is time to modernize GPRA. Several long-standing challenges hinder agency efforts to answer this critical question. Our legislation is a bipartisan effort to empower agencies to overcome these challenges and better evaluate how to use taxpayer dollars in the most efficient and effective way possible.

Prior to 1993, Congress had never enacted a statutory framework for strategic planning, goal setting, or performance measurement. According to the U.S. Government Accountability Office, before GPRA, few agencies had results-oriented performance information to manage or make strategic policy decisions. The Results Act was a bipartisan effort that succeeded in establishing a comprehensive and consistent statutory foundation of required agency strategic plans, annual performance plans, and annual performance reports. GPRA is and must remain a cornerstone of the Federal Government's efforts to strengthen strategic planning across all agencies.

Lessons learned from nearly two decades worth of experience implementing the Results Act, informed by numerous GAO reports and recommendations; confirm the need to strengthen the statutory framework established by GPRA.

The legislation we offer today draws on this experience, applying lessons learned to amend GPRA to address the limitations identified by GAO and other observers. I will highlight a few of the important provisions in this bill.

Our bill requires the Director of the Office of Management and Budget to develop a Federal Government performance plan and to coordinate with agencies to develop Federal Government priority goals for management and policy issues that cut across agencies. This provision addresses a long-standing GAO recommendation that the Federal Government develop a government-wide performance plan to provide OMB, agencies, and Congress, with a structured framework for addressing crosscutting policy initiatives and program efforts.

This legislation also strengthens the congressional consultation provisions to require agencies consult with Congress when developing strategic plans and identifying priority goals. GAO has found that regular consultation with Congress about the content and format of strategic and performance plans is critical to ensure that both the executive and legislative branches are engaged in improving government performance. Full congressional buy-in is a key element to building a sustainable performance management framework.

Our legislative proposal also addresses performance management skills and competencies, which GAO has identified as a critical factor in determining an agency's success in utilizing performance management systems. A 2007 GAO survey of Federal managers found nearly half reported not receiving training that would assist in utilizing performance information. Our bill addresses this training deficit by requiring the Director of the Office of Personnel Management to identify key performance management skills and competencies and incorporate them into relevant position classifications and training curricula.

Congress has a responsibility to promote effective performance management to enable Federal agencies to spend taxpayer dollars wisely, while carrying out critical missions. The GPRA Modernization Act is an important step towards accomplishing this goal, and I urge my colleagues to support this legislation.

By Mr. LEAHY (for himself, Mr. WHITEHOUSE, and Mr. KAUFMAN):

S. 3854. A bill to expand the definition of scheme or artifice to defraud with respect to mail and wire fraud; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to introduce the Honest Services Restoration Act with Senator WHITEHOUSE and Senator KAUFMAN. The legislation will restore critical tools used by investigators and prosecutors to combat public corruption and corporate fraud, which the Supreme Court dramatically weakened in Skilling v. United States.

In Skilling, the Court sided with an Enron executive who had been convicted of fraud, and in doing so, held that the honest services fraud statute may be used to prosecute only bribery and kickbacks, but no other conduct. That leaves other corrupt and fraudulent conduct which prosecutors in the past addressed under the honest services fraud statute to go unchecked. Most notably, the Court's decision excluded undisclosed ''self-dealing'' by state and federal public officials, and corporate officers and directors, which is when those officials or executives secretly act in their own financial self-interest, rather than in the interest of the public or, in the private sector cases, their shareholders and employees. The Honest Services Restoration Act restores the honest services statute to cover this undisclosed ''self-dealing'' by state and Federal public officials, and corporate officers and directors.

In a hearing earlier today, the Judiciary Committee heard testimony from

experts who explored the kinds of problematic conduct that may now go unchecked in the wake of the Skilling decision. The testimony also considered what Congress can and should do to fill those gaps and restore strong enforcement to combat corrupt and fraudulent conduct.

It is clear that in recent years, the stain of corruption has spread to all levels of government. This is a problem that victimizes every American by chipping away at the foundations of our democracy and the faith that Americans have in their government. Recent years have also seen a plague of financial and corporate frauds that have severely undermined our economy and hurt too many hardworking people in this country. These frauds have robbed people of their savings, their retirement accounts, college funds for their children, and have cost too many people their homes.

Congress has acted, by passing the Fraud Enforcement and Recovery Act and other key provisions, to give prosecutors and investigators more tools to combat fraud. But we must remain vigilant, as the methods and techniques used by those who would defraud hardworking Americans continue to change. Too often, loopholes in existing laws have meant that corrupt conduct can go unchecked. The honest services fraud statute has enabled prosecutors to root out corrupt and fraudulent conduct that would otherwise slip through those loopholes; we must tighten it so it can perform that important role again.

Congress must act aggressively but carefully to strengthen our laws to root out corruption and fraud. By preventing public officials and corporate executives from acting in their own self-interest at the expense of the people they serve, the Honest Services Restoration Act closes a gap created by Skilling and strengthens a critical law enforcement tool. I look forward to working with Senators from both parties to quickly pass this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3854

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 ''Honest Services Restoration Act''.

SEC. 2. AMENDMENT TO TITLE 18.

(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by inserting after section 1346 the following:

''§ 1346A. Definition of 'scheme or artifice to defraud'

''(a) For purposes of this chapter, the term 'scheme or artifice to defraud' also includes—

''(1) a scheme or artifice by a public official to engage in undisclosed self-dealing; or

''(2) a scheme or artifice by officers and directors to engage in undisclosed private self-dealing.

''(b)(1) In subsection (a)(1)—

''(A) the term 'undisclosed self-dealing' means that—

''(i) a public official performs an official act for the purpose, in whole or in part, of benefitting or furthering a financial interest of—

''(I) the public official;

''(II) the public official's spouse or minor child;

''(III) a general partner of the public official;

''(IV) a business or organization in which the public official is serving as an employee, officer, director, trustee, or general partner;

''(V) an individual, business, or organization with whom the public official is negotiating for, or has any arrangement concerning, prospective employment or financial compensation; or

''(VI) a person, business, or organization from whom the public official has received a thing of value or a series of things of value, otherwise than as provided by law for the proper discharge of official duty, or by rule or regulation; and

''(ii) the public official knowingly falsifies, conceals, or covers up material information that is required to be disclosed regarding that financial interest by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official, or knowingly fails to disclose material information regarding that financial interest in a manner that is required by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official;

''(B) the term 'public official' means an officer, employee, or elected or appointed representative, or person acting for or on behalf of the United States, a State, or subdivision of a State, or any department, agency, or branch thereof, in any official function, under or by authority of any such department agency or branch of Government;

''(C) the term 'official act'—

''(i) includes any act within the range of official duty, and any decision, recommendation, or action on any question, matter, cause, suit, proceeding, or controversy, which may at any time be pending, or which may by law be brought before any public official, in such public official's official capacity or in such official's place of trust or profit;

''(ii) can be a single act, more than one act, or a course of conduct; and

''(iii) includes a decision or recommendation that the Government should not take action; and

''(D) the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(2) In subsection (a)(2)—

''(A) the term 'undisclosed private self-dealing' means that—

''(i) an officer or director performs an act which causes or is intended to cause harm to the officer's or director's employer, and which is undertaken in whole or in part to benefit or further by an actual or intended value of $5,000 or more a financial interest of—

''(I) the officer or director;

''(II) the officer or director's spouse or minor child;

''(III) a general partner of the officer or director;

''(IV) another business or organization in which the public official is serving as an employee, officer, director, trustee, or general partner; or

''(V) an individual, business, or organization with whom the officer or director is negotiating for, or has any arrangement concerning, prospective employment or financial compensation; and

''(ii) the officer or director knowingly falsifies, conceals, or covers up material information that is required to be disclosed regarding that financial interest by any Federal, State, or local statute, rule, regulation, or charter applicable to the officer or director, or knowingly fails to disclose material information regarding that financial interest in a manner that is required by any Federal, State, or local statute, rule, regulation, or charter applicable to the officer or director;

''(B) the term 'employer' includes publicly traded corporations, and private charities under section 501(c)(3) of the Internal Revenue Code of 1986; and

''(C) the term 'act' includes a decision or recommendation to take, or not to take action, and can be a single act, more than one act, or a course of conduct.''.

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 63 of title 18, United States Code, is amended by inserting after the item for section 1346 the following:

''Sec. 1346A. Definition of 'scheme or artifice to defraud'.''.

By Ms. CANTWELL (for herself, Mr. NELSON of Nebraska, Mrs. MURRAY, and Mr. SANDERS):

S. 3855. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the issuance of new clean renewable energy bonds and to terminate eligibility of governmental bodies to issue such bonds, and for other purposes; to the Committee on Finance.

Ms. CANTWELL. Mr. President, today I am introducing legislation that will unleash a wave of investment in clean renewable energy. The Clean Renewable Energy Investment Act of 2010 will remove the arbitrary cap on the amount of Clean Renewable Energy Bonds that can be issued by our Nation's consumer-owned public power providers and cooperative electric companies. This legislation will generate significant private investment in renewable energy projects that will create thousands of jobs nationwide.

Congress first created Clean Renewable Energy Bonds, or ''CREBs'' in 2005 in an attempt to parallel the tax incentive offered by the Section 45 tax credit for electricity produced from renewable resources. However, the incentives for consumer-owned utilities have never been truly comparable to the subsidy we provide to for-profit, investor-owned utilities because unlike the section 45 tax credit, CREBs have always been subject to an overall cap on the amount of bonds that can be issued nationwide.

Since consumer-owned utilities operate on a not-for-profit basis and incur no Federal income tax liability, traditional production tax credits otherwise available to for-profit utilities simply do not work—because there is no Federal tax liability to offset with the credit. Yet the nearly 3,000 public

power utilities and rural electric cooperatives collectively serve 25 percent of the Nation's electricity customers. These utilities are often ideally situated in terms of both geography and size to integrate clean and renewable technologies into their systems.

The original CREB program has been extended twice and was modified in the Emergency Economic Stabilization Act of 2008 to make it more workable for public power and more attractive to institutional investors. The Emergency Economic Stabilization Act and the American Recovery and Reinvestment Act of 2009 provided for an additional $2.4 billion in CREB funding split equally between public power providers, rural electric cooperatives, and other governmental bodies. In March 2010, Congress passed another very useful modification to the CREB program by giving issuers of CREBs the option to issue the bonds as ''direct-pay bonds'', similar to the structure of Build America Bonds.

In the last round of CREBs, the demand for projects significantly exceeded the availability of the limited $800 million for each category of issuer. Public power and electric cooperative utilities have billions of dollars in projects awaiting these incentives—with some even having the potential to use $800 million for a single project if given the opportunity.

This means we have an opportunity to unleash a wave of investments in clean energy. In Washington State, 50 percent of customers are served by public power providers. Nationwide, public power and cooperatives serve one in four electricity customers. Yet, if we look back over the history of the Section 45 tax credit and CREBs, Congress typically shortchanges the consumer-owned sector. Looking at the Joint Committee on Taxations estimates of the cost of all the major energy tax legislation since 2005, the resources allocated to CREBs have been roughly 1/10 of the cost of extending or expanding, section 45.

My legislation would correct this inconsistency in our energy policy by removing the arbitrary cap on the volume of CREBs that can be issued, and would instead sunset the CREB program at the end of 2013, which is consistent with the expiration of most components of the section 45 credit.

It would also remove the ''governmental bodies'' category from eligibility for the bonds. The CREB program was originally developed for utility-scale projects and this amendment reflects that intent and puts the program in line with the Production Tax Credit for investor-owned utilities. Since passage of the American Recovery and Reinvestment Act, Governmental bodies now have their own bond program. They are eligible for the new Qualified Energy Conservation Bonds, QECBs, which is a more suitable program for these entities as they can finance both renewable and energy efficiency projects with QECBs. Under this legislation, Tribal utilities would remain eligible issuers of CREBs.

In addition, the bill clarifies that any reimbursement with bond proceeds is governed by the reimbursement rules applicable to tax-exempt bonds. It is widely recognized in the public finance community that the existing wording in Section 54A(d)(2)(D) is at best unclear, and at worst incorrect. State and local government issuers of bonds are familiar with the reimbursement rules applicable to tax-exempt bonds and there is no tax policy reason to have two sets of reimbursement rules.

Finally, the bill insures that any new CREBs allocated before the date of enactment of this bill are not affected by any of these amendments. The intent is to ensure that the ''government bodies'' category is still able to issue previously allocated CREBs and will not be retroactively cut out of the program.

This bill is good energy policy because it will lead to the development of thousands of megawatts of renewable power. It is good tax policy because it maintains the integrity of the CREBs program, and it is overall good public policy because it provides parity between investor-owned and consumer-owned utilities.

By Mr. LEAHY (for himself, Mrs. GILLIBRAND, and Mr. SCHUMER):

S. 3858. A bill to improve the H–2A agricultural worker program for use by dairy workers, sheepherders, and goat herders, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, in these challenging economic times, dairy farmers in Vermont, New York, and across America are experiencing particularly difficult conditions. They face both rock-bottom milk prices, and a severe labor shortage. There is an immediate solution for one of these issues. Labor shortages could be met with foreign agricultural workers under a special visa program, called H–2A, which allows farmers who are unable to fill labor needs with domestic workers to hire temporary or seasonal foreign workers. I have long sought to include dairy farmers in the H–2A program, but the Department of Labor has consistently refused to interpret the law to allow dairy farmers access to seasonal foreign workers.

Last fall, the Department of Labor initiated a rulemaking process to reconsider various aspects of the H–2A program. I repeatedly urged the Department to exercise its authority to give dairy farmers access to H–2A workers, both through comments I submitted in the formal rulemaking and by supporting the comments of the National Milk Producers Federation.

Nonetheless, on February 11, 2010, the Department released a final rule that continues to exclude the dairy industry from this valuable program. Inexplicably, while refusing to include the dairy industry because of its year-round needs, the Department of Labor extends new access to the H–2A program to the logging industry, and continues to offer access to these purportedly seasonal worker visas to the year-round sheepherding industry.

Today, I introduce the H–2A Improvement Act with Senators GILLIBRAND and SCHUMER. This bill will finally end the inequity under current law. The H–2A Improvement Act will make explicit in law that dairy farms can use the H–2A program, ensuring that dairy farmers in Vermont, New York, and throughout the Nation can find the labor they need to stay in business, meeting the needs of their communities and American families. This legislation, which also gives statutory access to the H–2A program to sheep herders and goat herders, contains provisions to ensure that the benefit that these workers provide to farmers is maximized. The legislation authorizes this unique class of workers to remain in the United States for an initial period of 3 years, and gives U.S. Citizenship and Immigration Services the authority to approve a worker for an additional 3-year period as needed. After the initial 3-year period, the worker may petition to become a lawful permanent resident.

The failure to allow the dairy industry to participate in the H–2A program puts many dairy farmers in the situation of having to choose between their livelihoods and following the law. Late last year, the Department of Homeland Security audited at least four dairy farms in Vermont. Although I strongly believe that the vast majority of dairy farmers want to hire a lawful workforce, there is a critical shortage of domestic workers available to work on dairy farms. Dairy farmers are often ill-equipped to verify the authenticity of documents that job applicants present. As a result, some of the workers the farmers hire may not be lawfully authorized to work. With all the challenges facing dairy farmers today, we should help dairy farmers hire lawful workers, not leave them with the precarious choice of hiring workers who may be unauthorized, or hiring no workers at all.

Expanding the H–2A program to include dairy workers would protect both American and foreign workers. It would protect American workers from having to compete with an unlawful work force, in which unscrupulous employers pay lower wages in often unsafe conditions. At the same time, it would protect foreign dairy workers, by requiring that employers comply with existing H–2A regulations and wage and hour and occupational safety laws. This legislation, if enacted, would give foreign workers who seek employment

in the dairy industry the dignity and certainty of lawful status and the opportunity to be productive members of the communities in which they work.

In 2006 and 2007, I worked to include nearly identical provisions in the Senate's comprehensive immigration bills. This legislation reflects those provisions. The measure I introduce today is a simple, targeted fix to our immigration laws that will enable dairy farmers to gain the benefits of this important program. While I recognize that many agricultural employers are frustrated by the current regulatory process, it is a critical first step, and a matter of basic fairness that dairy farmers are afforded the same opportunities to obtain labor as all other agricultural sectors.

Although this legislation is necessary to meet the immediate needs of dairy farmers, I also want to make absolutely clear that I remain in complete support of the more comprehensive AgJOBS legislation, which I joined Senator FEINSTEIN in introducing last year, and on which Senator FEINSTEIN and others have worked tirelessly. I will continue to strongly support that legislation, and Senator FEINSTEIN in her efforts to see it enacted. AgJOBS is broader than the H–2A Improvement Act. It reforms the broader H–2A program to cover agricultural workers that are currently assisting American farmers, but who are not lawfully authorized to work. It also makes important, negotiated changes to streamline the H–2A regulatory process for employers and workers. I recognize that farmers across the country need a comprehensive solution—from Vermont's small dairy farms to the vast fields of California. The solution that the AgJOBS legislation proposes will benefit agriculture across the Nation and is a solution I remain committed to making a reality.

I will also continue to work with Senate leadership and Senators from both sides of the aisle to accomplish our shared goals for broader reform of our Nation's immigration system. In the meantime, America's dairy farmers must at least be placed on the same footing as other agricultural interests with respect to our current H–2A laws.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3858

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 ''H-2A Improvement Act''.

SEC. 2. NONIMMIGRANT STATUS FOR DAIRY WORKERS, SHEEPHERDERS, AND GOAT HERDERS.

Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by inserting ''who is coming temporarily to the United States to perform agricultural labor or services as a dairy worker, sheepherder, or goat herder, or'' after ''abandoning''.

SEC. 3. SPECIAL RULES FOR ALIENS EMPLOYED AS DAIRY WORKERS, SHEEPHERDERS, OR GOAT HERDERS.

Section 218 of the Immigration and Nationality Act (8 U.S.C. 1188) is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively;

(2) by inserting after subsection (g) the following:

''(h) SPECIAL RULES FOR ALIENS EMPLOYED AS DAIRY WORKERS, SHEEPHERDERS, OR GOAT HERDERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, an alien admitted as a nonimmigrant under section 101(a)(15)(H)(ii)(a) for employment as a dairy worker, sheepherder, or goat herder—

''(A) may be admitted for an initial period of 3 years; and

''(B) subject to paragraph (3)(E), may have such initial period of admission extended for an additional period of up to 3 years.

''(2) EXEMPTION FROM TEMPORARY OR SEASONAL REQUIREMENT.—Not withstanding section 101(a)(15)(H)(ii)(a), an employer filing a petition to employ H–2A workers in positions as dairy workers, sheepherders, or goat herders shall not be required to show that such positions are of a seasonal or temporary nature.

''(3) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS.—

''(A) ELIGIBLE ALIEN.—In this paragraph, the term 'eligible alien' means an alien who—

''(i) has H–2A worker status based on employment as a dairy worker, sheepherder, or goat herder;

''(ii) has maintained such status in the United States for a not fewer than 33 of the preceding 36 months; and

''(iii) is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

''(B) CLASSIFICATION PETITION.—A petition under section 204 for classification of an eligible alien under section 203(b)(3)(A)(iii) may be filed by—

''(i) the alien's employer on behalf of the eligible alien; or

''(ii) the eligible alien.

''(C) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa under section 203(b)(3)(A)(iii) for an eligible alien.

''(D) EFFECT OF PETITION.—The filing of a petition described in subparagraph (B) or an application for adjustment of status based on a petition described in subparagraph (B) shall not be a basis fo denying—

''(i) another petition to employ H–2A workers;

''(ii) an extension of nonimmigrant status for a H–2A worker;

''(iii) admission of an alien as an H–2A worker;

''(iv) a request for a visa for an H–2A worker;

''(v) a request from an alien to modify the alien's immigration status to or from status as an H–2A worker; or

''(vi) a request made for an H–2A worker to extend such worker's stay in the United Stats.

''(E) EXTENSION OF STAY.—The Secretary of Homeland Security shall extend the stay of an eligible alien having a pending or approved petition described in subparagraph (B) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

''(F) CONSTRUCTION.—Nothing in this paragraph may be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.''; and

(3) in subsection (j)(1), as redesignated by paragraph (1), by striking ''The term'' and inserting ''Except as provided under subsection (h)(2)(A), the term''.

By Mr. INOUYE:

S. 3859. A bill to express the sense of the Senate concerning the establishment of Doctor of Nursing Practice and doctor of Pharmacy dual degree programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, today I rise to recognize the need for a health care professional skilled in caring for the specific needs of a growing elderly population. In the next 30 years we will see a unique change in population demographics in this country. The geriatric population is increasing and by the year 2030, the over 65 age group will make up 20 percent of the population. More people will reach the 100-year mark. My home State of Hawai'i is home to more 100-year olds per capita than any other State. The risk for developing disease and illness becomes greater as one ages. As we see an increase in the age of our population, those living with chronic illnesses such as cardiovascular disease, respiratory diseases, diabetes and cancer, will continue to rise in numbers as well. These are patient's who require care in the ambulatory, hospital, and home care settings. The chronically ill geriatric patients usually are living with multiple co-morbidities and possess poly pharmacy challenges. We are living in a time when it is crucial to develop the skills and expertise to care for these patients and provide them with the quality health care they deserve in a cost effective manner.

While the terms dual, joint, double or combined degrees are used interchangeably, the overall definition is students working for two different and distinct degrees in parallel, completing two degrees in less time than it would take to complete each separately. Under the leadership of Katharyn F. Daub, EdD, CTN, CNE, Director School of Nursing, John M. Pezzuto, Ph.D., Dean, College of Pharmacy, and Donald O. Straney, Ph.D., Chancellor, University of Hawai'i at Hilo, the University of Hawai'i at Hilo has created a model that would partner both their school of nursing and pharmacy to meet the needs of the changing health care field through the implementation of a dual-degree program that would combine a Doctor of Nursing Practice, DNP, with a Doctor of Pharmacy, PharmD.

The overall purpose of this innovative cross cutting dual or joint degree nursing program is to prepare nurses to

expand the traditional scope of nursing practice, with the goal of strengthening health care teams. The American Association of Colleges of Nursing, AACN, 2009 survey of schools of nursing documents that there are over 100 nursing schools that offer dual degree programs: 74 MSN/MBA programs; 34 MSN/MPH programs; 10 MSN/MHA programs; 5 MSN/MPA programs; 4 MSN/MDIV programs; and 3 MSN/JD programs. Currently there is no dual degree program that combines nursing and pharmacology.

Through this dual collaborative role we would be able to meet the unique needs of rural communities across age continuums and in diverse settings. The nurse/pharmacist would enhance collaboration between DNPs and physicians regarding drug therapy. The program also would provide for the implementation of safer medication administration. It would broaden the scope of practice for pharmacists through education and training in diagnosis and management of common acute and chronic diseases, and create new employment opportunities for private physician or nurse managed clinics, walk-in clinics, school/college clinics, long-term facilities, veteran administration facilities, hospitals and hospital clinics, hospice centers, home health care agencies, pharmaceutical companies, emergency departments, urgent care sites, physician group practices, extended care facilities, and research centers.

Additional research and evaluation would determine the extent of which graduates of this program improve primary health care, address disparities, diversify the workforce, and increase quality of service for underserved populations.

I urge you to consider the benefits of the development of a joint degree in nursing and pharmacology.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3859

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Doctor of Nursing Practice and Doctor of Pharmacy Dual Degree Program Act of 2010''.

SEC. 2. FINDINGS.

The Senate makes the following findings:

(1) The terms dual, joint, double or combined degrees are used interchangeably, the overall definition is students working for two different and distinct degrees in parallel, completing two degrees in less time than it would take to complete each separately.

(2) The overall purpose of the innovative cross cutting dual or joint degree nursing programs is to prepare nurses to expand the traditional scope of nursing practice, with the goal of strengthening health care teams.

(3) The American Association of Colleges of Nursing (AACN) 2009 survey of schools of nursing documents that there are over 100 nursing schools that offer dual degree programs of which 74 are MSN/MBA programs, 34 are MSN/MPH programs, 10 are MSN/MHA programs, 5 are MSN/MPA programs, 4 are MSN/MDIV programs, and 3 are MSN/JD programs.

(4) There is currently no dual degree program that combines nursing and pharmacology.

(5) Recently, the University of Hawai'i at Hilo has explored the option of nursing and pharmacy partnering to meet the needs of the changing health care field.

SEC. 3. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) there should be established a Doctor of Nursing Practice (DNP) and Doctor of Pharmacy (PharmD) dual degree program;

(2) the development of a joint degree in nursing and pharmacology should combine a Doctor of Nursing Practice (DNP) with a Doctor of Pharmacy (PharmD);

(3) the significance of such a dual degree program would be improving patient outcomes;

(4) through such a dual collaborative role, health providers will be better able to meet the unique needs of rural communities across the age continuum and in diverse settings;

(5) such a dual degree program—

(A) would enhance collaboration between Doctors of Nursing Practice and physicians regarding drug therapy;

(B) would provide for research concerning, and the implementation of, safer medication administration;

(C) would broaden the scope of practice for pharmacists through education and training in diagnosis and management of common acute and chronic diseases;

(D) would provide new employment opportunities for private physician or nurse managed clinics, walk-in clinics, school or college clinics, long-term care facilities, Veteran Administration facilities, hospitals and hospital clinics, hospice centers, home health care agencies, pharmaceutical companies, emergency departments, urgent care sites, physician group practices, extended care facilities, and research centers; and

(E) would assist in filling the need for primary care providers with an expertise in geriatrics and pharmaceuticals; and

(6) additional research and evaluation should be conducted to determine the extent to which graduates of such a dual degree program improve primary health care, address disparities, diversify the workforce, and increase quality of service for underserved populations.

By Mr. ROCKEFELLER:

S. 3863. A bill to designate certain Federal land within the Monongahela National Forest as a component of the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Monongahela Conservation Legacy Act of 2010. This important piece of legislation sets aside 6,042 acres of the Monongahela National Forest on North Fork Mountain in Grant County, WV, to be included in the National Wilderness Preservation System.

West Virginians have a proud tradition of mining and logging that provides needed resources for our entire country. I have no doubt that this tradition will continue for many decades to come. However, at the same time, new development is coming to West Virginia. This is needed development that provides jobs for West Virginians and helps support our economy. But with this increased development comes a responsibility to set aside some part of our natural environment for those who come after us.

The Monongahela National Forest encompasses nearly 920,000 acres of land in the heart of the Appalachian Mountain Range and contains some of the most ecologically diverse regions in the country. North Fork Mountain is one of these incredible areas and has earned the Forest Service's highest rating for Natural Integrity in its Wilderness Attribute Rating System. The mountain is a nesting site for peregrine falcons and home to 120 rare plants, animals, and natural communities. With this wilderness designation all of these ecological treasures will be permanently protected.

Over the years I have heard from hundreds of West Virginians about how important wilderness is to them. I have heard from West Virginians who want to make sure that they will be able to continue to fish pristine streams and hunt in the forests. Wilderness is a major draw for the outdoor tourism industry and will provide jobs.

Finally, I want to extend my thanks to Congressman MOLLOHAN, who has introduced identical legislation in the House of Representatives, for his leadership on this issue. I will continue to work with all stakeholders involved to move this legislation forward and to address any concerns while ensuring the preservation of this truly special place.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 652—HONORING MR. ALFRED LIND FOR HIS DEDICATED SERVICE TO THE UNITED STATES OF AMERICA DURING WORLD WAR II AS A MEMBER OF THE ARMED FORCES AND A PRISONER OF WAR, AND FOR HIS TIRELESS EFFORTS ON BEHALF OF OTHER MEMBERS OF THE ARMED FORCES TOUCHED BY WAR

Mrs. MURRAY submitted the following resolution; which was considered and agreed to:

S. RES. 652

Whereas Mr. Alfred Lind served in World War II from 1942 to 1945 as a member of the 58th Armored Field Artillery Battalion;

Whereas Mr. Lind was wounded in action in combat near Brolo, Sicily when his M-7 self-propelled howitzer was hit during a tank battle;

Whereas Mr. Lind was captured and held as a prisoner of war for 2 years, being transferred between Stalag IIB near Hammerstein, Stalag IIIB near Furstenberg, and Stalag IIIA near Luckenwalde;

Whereas, after the war, Mr. Lind returned to his roots as a farmer and retired after many years of hard work;

Whereas, after retiring, Mr. Lind turned his attention to supporting members of the Armed Forces by making quilts for the Quilts of Valor Foundation;

Whereas the Quilt of Valor Foundation distributes handmade quilts to members of the Armed Forces and veterans who have been wounded or touched by war to demonstrate support, honor and care for our Armed Forces;

Whereas the Quilt of Valor Foundation has made and distributed over 30,000 quilts to members of the Armed Forces and veterans since the foundation began in 2003;

Whereas Mr. Lind has made over 400 quilts in honor of other members of the Armed Forces who have been touched by war;

Whereas Mr. Lind passed away on September 10, 2010, at the age of 92; and

Whereas Mr. Lind was a true patriot, who continued his service to the Armed Forces of the United States long after his retirement: Now, therefore, be it

Resolved, That the Senate honors Mr. Alfred Lind for—

(1) his service to the United States as a soldier and as a prisoner of war; and

(2) his dedication to provide solace and comfort through Quilts of Valor to members of the Armed Forces and veterans alike.

SENATE RESOLUTION 653—DESIGNATING OCTOBER 30, 2010, AS A NATIONAL DAY OF REMEMBRANCE FOR NUCLEAR WEAPONS PROGRAM WORKERS

Mr. BUNNING (for himself, Mr. UDALL of New Mexico, Mr. ALEXANDER, Mr. BINGAMAN, Mrs. MURRAY, Mr. MCCONNELL, Mr. GRASSLEY, Ms. CANTWELL, Mr. REID, Mr. UDALL of Colorado, Mr. CORKER, Mr. VOINOVICH, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 653

Whereas, since World War II, hundreds of thousands of men and women, including uranium miners, millers, and haulers, have served the United States by building the nuclear defense weapons of the United States;

Whereas these dedicated workers paid a high price for their service to develop a nuclear weapons program for the benefit of the United States, including having developed disabling or fatal illnesses;

Whereas, in 2009, Congress recognized the contribution, service, and sacrifice these patriotic men and women made for the defense of the United States;

Whereas, in the year prior to the approval of this resolution, a national day of remembrance time capsule has been crossing the United States, collecting artifacts and the stories of the nuclear workers relating to the nuclear defense era of the United States;

Whereas these stories and artifacts reinforce the importance of recognizing these nuclear workers; and

Whereas these patriotic men and women deserve to be recognized for the contribution, service, and sacrifice they have made for the defense of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 30, 2010, as a national day of remembrance for nuclear weapons program workers, including uranium miners, millers, and haulers, of the United States; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate October 30, 2010, as a national day of remembrance for past and present workers in the nuclear weapons program of the United States.

SENATE RESOLUTION 654—DESIGNATING DECEMBER 18, 2010, AS ''GOLD STAR WIVES DAY''

Mr. BURR (for himself, Mr. WEBB, Mr. BURRIS, and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 654

Whereas the Senate has always honored the sacrifices made by the spouses and families of the fallen members of the Armed Forces of the United States;

Whereas the Gold Star Wives of America, Inc. represents the spouses and families of the members and veterans of the Armed Forces of the United States who have died on active duty or as a result of a service-connected disability;

Whereas the primary mission of the Gold Star Wives of America, Inc. is to provide services, support, and friendship to the spouses of the fallen members and veterans of the Armed Forces of the United States;

Whereas, in 1945, the Gold Star Wives of America, Inc. was organized with the help of Mrs. Eleanor Roosevelt to assist the families left behind by the fallen members and veterans of the Armed Forces of the United States;

Whereas the first meeting of the Gold Star Wives of America, Inc. was in 1945;

Whereas December 18, 2010, marks the 65th anniversary of the incorporation of the Gold Star Wives of America;

Whereas the members and veterans of the Armed Forces of the United States bear the burden of protecting freedom for the United States; and

Whereas the sacrifices of the families of the fallen members and veterans of the Armed Forces of the United States should never be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 18, 2010, as ''Gold Star Wives Day'';

(2) honors and recognizes—

(A) the contributions of the members of the Gold Star Wives of America, Inc.; and

(B) the dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(3) encourages the people of the United States to observe ''Gold Star Wives Day'' to promote awareness of—

(A) the contributions and dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(B) the important role the Gold Star Wives of America, Inc. plays in the lives of the spouses and families of the fallen members and veterans of the Armed Forces of the United States.

SENATE RESOLUTION 655—DESIGNATING NOVEMBER 2010 AS ''STOMACH CANCER AWARENESS MONTH'' AND SUPPORTING EFFORTS TO EDUCATE THE PUBLIC ABOUT STOMACH CANCER

Mr. FEINGOLD (for himself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 655

Whereas stomach cancer is one of the most difficult cancers to detect and treat in the early stages of the disease, which contributes to high mortality rates and human suffering;

Whereas stomach cancer is the second leading cause of cancer mortality worldwide;

Whereas, in 2009, an estimated 21,000 new cases of stomach cancer were diagnosed in the United States;

Whereas, in 2010, an estimated 10,000 Americans will die from stomach cancer;

Whereas the estimated 5-year survival rate for stomach cancer is only 26 percent;

Whereas approximately 1 in 113 individuals will be diagnosed with stomach cancer in their lifetimes;

Whereas an inherited form of stomach cancer carries a 67 to 83 percent risk that an individual will be diagnosed with stomach cancer by age 80;

Whereas, in the United States, stomach cancer is more prevalent among racial and ethnic minorities;

Whereas better patient and health care provider education is needed for the timely recognition of stomach cancer risks and symptoms;

Whereas more research into effective early diagnosis, screening, and treatment for stomach cancer is needed; and

Whereas November 2010 is an appropriate month to observe ''Stomach Cancer Awareness Month'': Now, therefore, be it

Resolved, That the Senate—

(1) designates November 2010 as ''Stomach Cancer Awareness Month'';

(2) supports efforts to educate the people of the United States about stomach cancer;

(3) recognizes the need for additional research into early diagnosis and treatment for stomach cancer; and

(4) encourages the people of the United States and interested groups to observe and support November 2010 as ''Stomach Cancer Awareness Month'' through appropriate programs and activities to promote public awareness of, and potential treatments for, stomach cancer.

SENATE RESOLUTION 656—EXPRESSING SUPPORT FOR THE INAUGURAL USA SCIENCE & ENGINEERING FESTIVAL

Mr. KAUFMAN (for himself, Mr. REID, Mr. BAUCUS, Mr. ROCKFELLER, and Mr. AKAKA) submitted the following resolution; which was considered and agreed to:

S. RES. 656

Whereas the global economy of the future will require a workforce that is educated in the fields of science, technology, engineering, and mathematics (referred to in this preamble as ''STEM'');

Whereas a new generation of American students educated in STEM is crucial to ensure continued economic growth;

Whereas advances in technology have resulted in significant improvements in the daily lives of the people of the United States;

Whereas scientific discoveries are critical to curing diseases, solving global challenges, and expanding our understanding of the world;

Whereas strengthening the interest of American students, particularly young women and underrepresented minorities, in STEM education is necessary to maintain the global competitiveness of the United States;

Whereas countries around the world have held science festivals that have brought together hundreds of thousands of visitors to celebrate science;

Whereas the inaugural 2009 San Diego Science Festival attracted more than 500,000 participants and inspired a national STEM effort;

Whereas the mission of the USA Science & Engineering Festival is to reinvigorate the interest of the young people of the United States in STEM by producing exciting and educational science and engineering gatherings; and

Whereas thousands of individuals from 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 organize the inaugural USA Science & Engineering Festival across the United States, including a 2-day exposition on the National Mall that will feature more than 1,500 hands-on activities and more than 75 stage shows: Now, therefore, be it

Resolved, That the Senate—

(1) expresses the support of the Senate for the inaugural USA Science & Engineering Festival to be held in October 2010 in Washington, D.C.;

(2) commends the Nobel Laureates, institutions of higher education, corporate sponsors, and all the various organizations whose efforts will make the USA Science & Engineering Festival possible; and

(3) encourages students and their families to participate in the activities which will take place on the National Mall and across the United States at satellite locations as part of the inaugural USA Science & Engineering Festival.

SENATE RESOLUTION 657—CELEBRATING THE 75TH ANNIVERSARY OF THE DEDICATION OF THE HOOVER DAM

Mr. REID (for himself, Mr. ENSIGN, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 657

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 Hoover Dam created Lake Mead, a reservoir that can store an amount of water that is equal to 2 years average flow of the Colorado River;

Whereas the construction of the Hoover Dam provided vitally critical flood control, water supply, and electrical power and helped to 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;

Whereas the Hoover Dam provides water for more than 18,000,000 people and 1,000,000 acres of farmland in the States of Arizona, California, and Nevada and 500,000 acres of farmland in Mexico, as well as produces an average of 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 the time the Hoover Dam was constructed;

Whereas the Hoover Dam is an enduring symbol of the ingenuity of the United States and the persistence of hardworking Americans during 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 National Register of Historic Places and is considered 1 of 7 modern engineering wonders by the American Society of Civil Engineers: Now, therefore, be it

Resolved, That the Senate—

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

(2) celebrates and acknowledges the economic, cultural, and historic significance of the Hoover Dam;

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

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

SENATE RESOLUTION 658—DESIGNATING THE WEEK BEGINNING OCTOBER 17, 2010, AS ''NATIONAL CHARACTER COUNTS WEEK''

Mr. DODD (for himself, Mr. GRASSLEY, Mr. BROWN of Ohio, Mr. CORNYN, Mr. LEVIN, Mr. LIEBERMAN, Mr. PRYOR, Mr. ROCKEFELLER, and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 658

Whereas the well-being of the United States requires that the young people of the United States become an involved, caring citizenry of good character;

Whereas the character education of children has become more urgent, as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the United States;

Whereas effective character education is based on core ethical values, which form the foundation of a democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those that have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of ''National Character Counts Week'', during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations focus on character education, is of great benefit to the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 17, 2010, as ''National Character Counts Week''; and

(2) calls upon the people of the United States and interested groups—

(A) to embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) to observe the week with appropriate ceremonies, programs, and activities.

SENATE RESOLUTION 659—SUPPORTING ''LIGHTS ON AFTERSCHOOL'', A NATIONAL CELEBRATION OF AFTERSCHOOL PROGRAMS

Mr. DODD (for himself, Mr. ENSIGN, Mr. AKAKA, Mr. BAUCUS, Mr. BEGICH, Mr. COCHRAN, Mr. SPECTER, Mr. WHITEHOUSE, Ms. SNOWE, Mr. SANDERS, Mr. NELSON of Nebraska, Mr. LAUTENBERG, Mr. CARPER, Mrs. GILLIBRAND, Mrs. MURRAY, Mr. BURR, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 659

Whereas high-quality afterschool programs provide safe, challenging, engaging, and fun learning experiences that help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high-quality afterschool programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends;

Whereas high-quality afterschool programs build stronger communities by involving students, parents, business leaders, and adult volunteers in the lives of the youth of the Nation, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high-quality afterschool programs engage families, schools, and diverse community partners in advancing the well-being of the children in the United States;

Whereas ''Lights On Afterschool'', a national celebration of afterschool programs held on October 21, 2010, highlights the critical importance of high-quality afterschool programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and 15,100,000 children in the United States have no place to go after school; and

Whereas many afterschool programs across the United States are struggling to keep their doors open and their lights on: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of ''Lights On Afterschool'', a national celebration of afterschool programs.

SENATE RESOLUTION 660—EXPRESSING SUPPORT FOR A PUBLIC DIPLOMACY PROGRAM PROMOTING ADVANCEMENTS IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS MADE BY OR IN PARTNERSHIP WITH THE PEOPLE OF THE UNITED STATES

Mr. KAUFMAN (for himself and Mr. LUGAR) submitted the following resolution; which was considered and agreed to:

S. RES. 660

Whereas science, technology, engineering, and mathematics are vital fields of increasing importance in driving the economic engine and ensuring the security of the United States;

Whereas science, technology, engineering, and mathematics have played, and will continue to play, critical roles in helping to develop clean energy technologies, find lifesaving cures for diseases, solve security challenges, and discover new solutions for deteriorating transportation and infrastructure;

Whereas the United States is recognized as an international leader in science, technology, engineering, and mathematics and a destination for individuals from all over the world studying in those fields;

Whereas in partnership with countries and individuals across the globe, the people of the United States have made advances in science, technology, engineering, and mathematics that have advanced the knowledge and improved the condition of human beings everywhere;

Whereas international scientific cooperation enhances relationships among participating countries by building trust and increasing understanding between those countries and cultures through the collaborative nature of scientific dialogue;

Whereas partnerships between the people of other countries and the people of the United States are the most effective form of public diplomacy, helping to counter misconceptions based on fear, ignorance, and misinformation;

Whereas consistent polling and scholarly research have shown that even countries that disagree with some aspects of United States foreign policy admire the leadership of the United States in science, technology, engineering, and mathematics; and

Whereas international scientific cooperation has produced successful engagement and led to improved relations with countries that exhibited hostility to the United States in the past, including Russia and the People's Republic of China: Now, therefore, be it

Resolved, That the Senate—

(1) commends individuals and institutions that participate in and support advancements in science, technology, engineering, and mathematics, especially through international partnerships;

(2) supports the Science Envoy Program as representative of the commitment of the United States to collaborate with other countries to promote the advancement of science and technology throughout the world based on issues of common interest and expertise; and

(3) encourages the Secretary of State to establish a public diplomacy program that uses embassies of the United States and the resources of the Smithsonian Institution and other such institutions—

(A) to establish engaging exhibits that provide examples of cooperation between institutions and the people of the United States and the institutions and people of the host country in the fields of science, technology, engineering, and mathematics;

(B) to create fora for individuals working or conducting research in science, technology, engineering, and mathematics in the host country to discuss their work and the cooperation with the institutions and people of the United States and those of the host country; and

(C) to encourage future cooperation and relationships with students around the world in science, technology, engineering, and mathematics.

SENATE RESOLUTION 661—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF MCCARTHY V. BYRD, ET AL

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 661

Whereas, in the case of McCarthy v. Byrd, et al., Case No. 1:10–CV–03317, pending in the United States District Court for the District of New Jersey, plaintiff has named as a defendant the President Pro Tempore of the Senate; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members and officers of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Inouye, the President Pro Tempore of the Senate, in the case of McCarthy v. Byrd, et al.

SENATE RESOLUTION 662—TO AMEND THE STANDING RULES OF THE SENATE TO REFORM THE FILIBUSTER RULES TO IMPROVE THE DAILY PROCESS OF THE SENATE

Mr. UDALL of Colorado submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 662

Whereas the Senate has operated under the cloture rules for many decades;

Whereas there has been a marked increase in the use of the filibuster in recent years;

Whereas sweeping, monumental legislation affecting economic recovery, reform of the healthcare system, reform of the financial regulatory system, and many other initiatives all were enacted in the 111th Congress after overcoming filibusters;

Whereas both parties have used the filibuster to prevent the passage of controversial legislation;

Whereas the Senate rules regarding cloture serve the legitimate purpose of protecting the rights of the minority;

Whereas there are many areas where the rules of the Senate have been abused, and can make way for changes that will improve the daily process of the Senate; and

Whereas bipartisan cooperation can overcome nearly any obstacle in the United States Senate, changing the Senate rules must also be done with bipartisan cooperation: Now, therefore, be it

Resolved,

SECTION 1. CHANGING VOTE THRESHOLD TO PRESENT AND VOTING.

The second undesignated subparagraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking ''duly chosen and sworn'' and inserting ''present and voting''.

SEC. 2. MOTIONS TO PROCEED.

Paragraph 2 of rule VIII of the Standing Rules of the Senate is amended to read as follows

''2. Debate on a motion to proceed to the consideration of any matter, and any debatable motion or appeal in connection therewith, shall be limited to not more than 4 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees except for—

''(1) a motion to proceed to a proposal to change the Standing Rules which shall be debatable; and

''(2) a motion to go into executive session to consider a specified item of executive business and a motion to proceed to consider any privileged matter which shall not be debatable.''.

SEC. 3. NO FILIBUSTER AFTER COMPLETE SUBSTITUTE IS AGREED TO.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following:

''If a complete substitute amendment for a measure is agreed to after consideration under cloture, the Senate shall proceed to a final disposition of the measure without intervening action or debate except one quorum call if requested.''.

SEC. 4. NO FILIBUSTER RELATED TO COMMITTEES ON CONFERENCE.

Rule XXVIII of the Standing Rules of the Senate is amended by inserting at the end the following:

''10.(a) Upon the Majority Leader making a motion to disagree with a House amendment or amendments or insist on a Senate amendment or amendments, request a conference with the House, or agree to the conference requested by the House on the disagreeing votes of the two Houses, and that the chair be authorized to appoint conferees on the part of the Senate, debate on the motion, and any debatable motion or appeal in connection therewith, shall be limited to not more than 4 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

''(b) A motion made by the majority leader pursuant to subparagraph (a) shall not be divisible and shall not be subject to amendment.''.

SEC. 5. TIME PRECLOTURE.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended—

(1) in the first subparagraph of paragraph 2, by striking ''one hour after the Senate meets on the following calendar day but one'' and inserting ''24 hours after the filing of the motion''; and

(2) in the third undesignated paragraph, by striking the second sentence and inserting ''Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk 12 hours following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least 1 hour prior to the beginning of the cloture vote if an amendment in the second degree.''.

SEC. 6. DIVISION OF TIME POSTCLOTURE.

The fourth undesignated subparagraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting ''(to be equally divided between the majority and the minority)'' after ''thirty hours of consideration''.

SEC. 7. ALLOWING COMMITTEES TO MEET WITHOUT CONSENT.

Paragraph 5 of rule XXVI of the Standing Rules of the Senate is amended by—

(1) striking subparagraph (a); and

(2) redesignating subparagraphs (b) through (e) as subparagraphs (a) through (d), respectively.

SEC. 8. READING OF AMENDMENTS.

Paragraph 1 of rule XV of the Standing Rules of the Senate is amended by inserting at the end the following:

''(c) The reading of an amendment may be waived by a nondebatable motion if the amendment has been printed in the Congressional Record and available for at least 24 hours before the motion.''.

SEC. 9. ALLOWING AMENDMENTS WHEN AMENDMENTS PENDING BY A LIMITED MOTION.

Rule XV of the Standing Rules of the Senate is amended by adding at the end the following:

''6.(a) If an amendment is pending and except as provided in subparagraph (b), a nondebateable motion shall be in order to set aside any pending amendments in order to offer another germane amendment. No Senator shall offer more than 1 such motion in any calendar day and the Senate shall consider not more than 5 such motions in any calendar day.

''(b)(1) A nondebateable motion shall be in order to waive the requirement of germaneness under subparagraph (a).

''(2) A waiver motion under this subparagraph shall require three-fifths of the Senators duly chosen and sworn.

''(c) An affirmative vote of three-fifths of the Senators duly chosen and sworn shall be required to sustain an appeal of a ruling by the chair on a point of order raised under this paragraph.''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4667. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4668. Mr. DURBIN (for Mr. KYL (for himself, Mr. MERKLEY, Mr. BURR, Mrs. FEINSTEIN, Mr. ISAKSON, Ms. COLLINS, and Mr. VITTER)) proposed an amendment to the bill H.R. 5566, to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes.

SA 4669. Mr. DURBIN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 3940, to amend Public Law 96–597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States.

SA 4670. Mr. DURBIN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 3940, supra.

SA 4671. Mr. DURBIN (for Mr. AKAKA) proposed an amendment to the bill H.R. 3219, to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

SA 4672. Mr. DURBIN (for Mr. AKAKA) proposed an amendment to the bill H.R. 3219, supra.

TEXT OF AMENDMENTS

SA 4667. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title IX, add the following:

SEC. 953. LIMITATIONS ON DISESTABLISHMENT OR RELATED ACTIONS REGARDING THE UNIFIED COMBATANT COMMANDS.

(a) IN GENERAL.—The President may not disestablish, close, or realign a unified combatant command until the later of the following:

(1) The submittal by the Secretary of Defense to the congressional defense committees of a proposal for the disestablishment, closure, or realignment of the combatant command that sets forth the following:

(A) A description of the purpose and goals of, and the analytical basis and justification for, the proposal.

(B) A list of alternatives, if any, considered before recommending the proposal, including options such as the consolidation or elimination of selected functions at the command.

(C) A detailed plan of action and milestones for the proposal, including a specific description of the functions proposed for termination, retention, reduction, expansion, or transfer, and the projected impacts of such actions on military personnel, civilian employees, and contractor staff.

(D) An assessment of the impact of the proposal on the accomplishment of the main missions of the command, including a description and assessment of the manner in which such missions will be performed during and upon completion of the proposal.

(E) An evaluation of the impacts of the proposal on expenditures of Federal funds, including an estimate of any cost savings or cost increases that may be incurred by the Department of Defense or other departments and agencies of the Federal Government as a result of the proposal.

(F) An assessment of the impacts of the plan on employment and the economy in the localities affected by the proposal.

(G) An environmental impact statement that reviews the environmental and socioeconomic impacts of the proposal at each location anticipated to experience an increase or decrease of more than 300 uniformed, civilian, or contract personnel as a result of the proposal.

(2) The submittal by the Secretary to the congressional defense committees of a certification that the disestablishment, closure, or realignment of the combatant command will not adversely affect military readiness, joint concept development and experimentation, joint training, joint capabilities development, or current and future joint operations.

(3) The submittal by the Comptroller General of the United States to the congressional defense committees of a report setting forth a review and assessment of the proposal submitted under paragraph (1).

(4) A period of 30 legislative days or 60 calendar days, whichever is longer, elapses following the day on which the Comptroller General submits the report referred to in paragraph (3). For purposes of this paragraph, 30 legislative days shall be treated as having elapsed from the date of the submittal of a report only when 30 legislative days has elapsed from that date in both the Senate and the House of Representatives.

(b) UNIFIED COMBATANT COMMAND DEFINED.—In this section, the term ''unified combatant command'' has the meaning given that term in section 161(c)(1) of title 10, United States Code.

SA 4668. Mr. DURBIN (for Mr. KYL (for himself, Mr. MERKLEY, Mr. BURR, Mrs. FEINSTEIN, Mr. ISAKSON, Ms. COLLINS, and Mr. VITTER)) proposed an amendment to the bill H.R. 5566, to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Animal Crush Video Prohibition Act of 2010''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The United States has a long history of prohibiting the interstate sale, marketing, advertising, exchange, and distribution of obscene material and speech that is integral to criminal conduct.

(2) The Federal Government and the States have a compelling interest in preventing intentional acts of extreme animal cruelty.

(3) Each of the several States and the District of Columbia criminalize intentional acts of extreme animal cruelty, such as the intentional crushing, burning, drowning, suffocating, or impaling of animals for no socially redeeming purpose.

(4) There are certain extreme acts of animal cruelty that appeal to a specific sexual fetish. These acts of extreme animal cruelty are videotaped, and the resulting video tapes are commonly referred to as ''animal crush videos''.

(5) The Supreme Court of the United States has long held that obscenity is an exception to speech protected under the First Amendment to the Constitution of the United States.

(6) In the judgment of Congress, many animal crush videos are obscene in the sense that the depictions, taken as a whole—

(A) appeal to the prurient interest in sex;

(B) are patently offensive; and

(C) lack serious literary, artistic, political, or scientific value.

(7) Serious criminal acts of extreme animal cruelty are integral to the creation, sale, distribution, advertising, marketing, and exchange of animal crush videos.

(8) The creation, sale, distribution, advertising, marketing, and exchange of animal crush videos is intrinsically related and integral to creating an incentive for, directly causing, and perpetuating demand for the serious acts of extreme animal cruelty the videos depict. The primary reason for those criminal acts is the creation, sale, distribution, advertising, marketing, and exchange of the animal crush video image.

(9) The serious acts of extreme animal cruelty necessary to make animal crush videos are committed in a clandestine manner that—

(A) allows the perpetrators of such crimes to remain anonymous;

(B) makes it extraordinarily difficult to establish the jurisdiction within which the underlying criminal acts of extreme animal cruelty occurred; and

(C) often precludes proof that the criminal acts occurred within the statute of limitations.

(10) Each of the difficulties described in paragraph (9) seriously frustrates and impedes the ability of State authorities to enforce the criminal statutes prohibiting such behavior.

SEC. 3. ANIMAL CRUSH VIDEOS.

(a) IN GENERAL.—Section 48 of title 18, United States Code, is amended to read as follows:

''§ 48. Animal crush videos

''(a) DEFINITION.—In this section the term 'animal crush video' means any photograph, motion-picture film, video or digital recording, or electronic image that—

''(1) depicts actual conduct in which 1 or more living non-human mammals, birds, reptiles, or amphibians is intentionally crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury (as defined in section 1365 and including conduct that, if committed against a person and in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242); and

''(2) is obscene.

''(b) PROHIBITIONS.—

''(1) CREATION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly create an animal crush video, or to attempt or conspire to do so, if—

''(A) the person intends or has reason to know that the animal crush video will be distributed in, or using a means or facility of, interstate or foreign commerce; or

''(B) the animal crush video is distributed in, or using a means or facility of, interstate or foreign commerce.

''(2) DISTRIBUTION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly sell, market, advertise, exchange, or distribute an animal crush video in, or using a means or facility of, interstate or foreign commerce, or to attempt or conspire to do so.

''(c) EXTRATERRITORIAL APPLICATION.—Subsection (b) shall apply to the knowing sale, marketing, advertising, exchange, distribution, or creation of an animal crush video outside of the United States, or any attempt or conspiracy to do so, if—

''(1) the person engaging in such conduct intends or has reason to know that the animal crush video will be transported into the United States or its territories or possessions; or

''(2) the animal crush video is transported into the United States or its territories or possessions.''

''(d) PENALTY.—Any person who violates subsection (b) shall be fined under this title, imprisoned for not more than 7 years, or both.

''(e) EXCEPTIONS.—

''(1) IN GENERAL.—This section shall not apply with regard to any visual depiction of—

''(A) customary and normal veterinary or agricultural husbandry practices;

''(B) the slaughter of animals for food; or

''(C) hunting, trapping, or fishing.

''(2) GOOD-FAITH DISTRIBUTION.—This section shall not apply to the good-faith distribution of an animal crush video to—

''(A) a law enforcement agency; or

''(B) a third party for the sole purpose of analysis to determine if referral to a law enforcement agency is appropriate.

''(f) NO PREEMPTION.—Nothing in this section shall be construed to preempt the law of any State or local subdivision thereof to protect animals.''.

(b) CLERICAL AMENDMENT.—The item relating to section 48 in the table of sections for chapter 3 of title 18, United States Code, is amended to read as follows:

''48. Animal crush videos.''.

(c) SEVERABILITY.—If any provision of section 48 of title 18, United States Code (as amended by this section), or the application of the provision to any person or circumstance, is held to be unconstitutional, the provision and the application of the provision to other persons or circumstances shall not be affected thereby.

SA 4669. Mr. DURBIN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 3940, to amend Public Law 96–597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SENSE OF CONGRESS REGARDING POLITICAL STATUS EDUCATION IN GUAM.

It is the sense of Congress that the Secretary of the Interior may provide technical assistance to the Government of Guam under section 601(a) of the Act entitled ''An Act to authorize appropriations for certain insular areas of the United States, and for other purposes'', approved December 24, 1980 (48 U.S.C. 1469d(a)), for public education regarding political status options only if the political status options are consistent with the Constitution of the United States.

SEC. 2. MINIMUM WAGE IN AMERICAN SAMOA AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) DELAYED EFFECTIVE DATE.—Section 8103(b) of the Fair Minimum Wage Act of 2007 (29 U.S.C. 206 note) (as amended by section 520 of division D of Public Law 111–117) is amended—

(1) in paragraph (1)(B), by inserting ''(except 2011 when there shall be no increase)'' after ''thereafter'' the second place it appears; and

(2) in paragraph (2)(C), by striking ''except that, beginning in 2010'' and inserting ''except that there shall be no such increase in 2010 or 2011 and, beginning in 2012''.

(b) GAO REPORT.—Section 8104 of such Act (as amended) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) REPORT.—The Government Accountability Office shall assess the impact of minimum wage increases that have occurred pursuant to section 8103, and not later than September 1, 2011, shall transmit to Congress a report of its findings. The Government Accountability Office shall submit subsequent reports not later than April 1, 2013, and every 2 years thereafter until the minimum wage in the respective territory meets the federal minimum wage.''; and

(2) by redesignating subsection (c) as subsection (b).

SA 4670. Mr. DURBIN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 3940, to amend Public Law 96–597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States; as follows:

Amend the title so as to read: ''To clarify the availability of existing funds for political status education in the Territory of Guam, and for other purposes.''.

SA 4671. Mr. DURBIN (for Mr. AKAKA) proposed an amendment to the bill H.R. 3219, to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Benefits Act of 2010''.

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

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.

TITLE I—EMPLOYMENT, SMALL BUSINESS, AND EDUCATION MATTERS

SEC. 101. EXTENSION AND EXPANSION OF AUTHORITY FOR CERTAIN QUALIFYING WORK-STUDY ACTIVITIES FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) EXTENSION.—Paragraph (4) of section 3485(a) is amended by striking ''June 30, 2010'' each place it appears and inserting ''June 30, 2013''.

(b) ACTIVITIES IN STATE VETERANS AGENCIES.—Such paragraph is further amended by adding at the end the following new subparagraphs:

''(G) Any activity of a State veterans agency related to providing assistance to veterans in obtaining any benefit under the laws administered by the Secretary or the laws of the State.

''(H) A position working in a Center of Excellence for Veteran Student Success, as established pursuant to part T of title VIII of the Higher Education Act of 1965 (20 U.S.C. 1161t et seq.).

''(I) A position working in a cooperative program carried out jointly by the Department and an institution of higher learning.

''(J) Any other veterans-related position in an institution of higher learning.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect on October 1, 2011.

SEC. 102. REAUTHORIZATION OF VETERANS' ADVISORY COMMITTEE ON EDUCATION.

Section 3692(c) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2013''.

SEC. 103. 18-MONTH PERIOD FOR TRAINING OF NEW DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES BY NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE.

(a) 18-MONTH PERIOD.—Section 4102A(c)(8)(A) is amended by striking ''three-year period'' and inserting ''18-month period''.

(b) EFFECTIVE DATE.—

(1) APPLICABILITY TO NEW EMPLOYEES.—The amendment made by subsection (a) shall apply with respect to a State employee assigned to perform the duties of a disabled veterans' outreach program specialist or a local veterans' employment representative under chapter 41 of title 38, United States Code, who is so assigned on or after the date of the enactment of this Act.

(2) APPLICABILITY TO PREVIOUSLY-HIRED EMPLOYEES.—In the case of such a State employee who is so assigned on or after January 1, 2006, and before the date of the enactment of this Act, the Secretary of Labor shall require the State to require, as a condition of a grant or contract under which funds are made available to the State in order to carry out section 4103A or 4104 of title 38, United States Code, each such employee to satisfactorily complete the training described in section 4102A(c)(8)(A) of such title by not later than the date that is 18 months after the date of the enactment of this Act.

SEC. 104. CLARIFICATION OF RESPONSIBILITY OF SECRETARY OF VETERANS AFFAIRS TO VERIFY SMALL BUSINESS OWNERSHIP.

(a) SHORT TITLE.—This section may be cited as the ''Veterans Small Business Verification Act''.

(b) CLARIFICATION OF RESPONSIBILITY OF SECRETARY OF VETERANS AFFAIRS TO VERIFY SMALL BUSINESS OWNERSHIP.—

(1) CLARIFICATION.—Section 8127(f) is amended—

(A) in paragraph (2)—

(i) by inserting ''(A)'' before ''To be eligible'';

(ii) by inserting after ''or the veteran.'' the following new sentence: ''Application for inclusion in the database shall constitute permission under section 552a of title 5 (commonly referred to as the Privacy Act) for the Secretary to access such personal information maintained by the Secretary as may be necessary to verify the information contained in the application.''; and

(iii) by inserting after the sentence added by clause (ii) the following new subparagraph:

''(B) If the Secretary receives an application for inclusion in the database from an individual whose status as a veteran cannot be verified because the Secretary does not maintain information with respect to the veteran status of the individual, the Secretary may not include the small business concern owned and controlled by the individual in the database maintained by the Secretary until the Secretary receives such information as may be necessary to verify that the individual is a veteran.''; and

(B) by striking paragraph (4) and inserting the following new paragraph (4):

''(4) No small business concern may be listed in the database until the Secretary has verified that—

''(A) the small business concern is owned and controlled by veterans; and

''(B) in the case of a small business concern for which the person who owns and controls the concern indicates that the person is a veteran with a service-connected disability, that the person is a veteran with a service-connected disability.''.

(2) APPLICABILITY.—In the case of a small business concern included in the database as of the date of the enactment of this Act for which, as of such date, the Secretary of Veterans Affairs has not verified the status of such concern in accordance with paragraph (4) of subsection (f) of section 8127 of title 38, United States Code, as amended by paragraph (1), not later than 60 days after the date of the enactment of this Act, the Secretary shall notify the person who owns and controls the concern that—

(A) the Secretary is required to verify the status of the concern in accordance with such paragraph, as so amended;

(B) verification of such status shall require that the person who owns and controls the concern apply for inclusion in the database in accordance with such subsection, as so amended;

(C) application for inclusion in the database shall constitute permission under section 552a of title 5, United States Code (commonly referred to as the Privacy Act), for the Secretary to access such personal information maintained by the Secretary as may be necessary to verify the information contained in the application; and

(D) the person who owns and controls the concern must submit to the Secretary all information required by the Secretary under this paragraph within 90 days of receiving the Secretary's notice of such requirement or the concern shall be removed from the database.

SEC. 105. DEMONSTRATION PROJECT FOR REFERRAL OF USERRA CLAIMS AGAINST FEDERAL AGENCIES TO THE OFFICE OF SPECIAL COUNSEL.

(a) ESTABLISHMENT OF PROJECT.—The Secretary of Labor and the Office of Special Counsel shall carry out a 36-month demonstration project under which certain claims against Federal executive agencies under chapter 43 of title 38, United States Code, are referred to, or otherwise received by, the Office of Special Counsel for assistance, including investigation and resolution of the claim as well as enforcement of rights with respect to the claim. The demonstration program shall begin not later than 60 days after the Comptroller General of the United States submits the report required under subsection (e)(3).

(b) REFERRAL OF ALL PROHIBITED PERSONNEL PRACTICE CLAIMS TO THE OFFICE OF SPECIAL COUNSEL.—

(1) IN GENERAL.—Under the demonstration project, the Office of Special Counsel shall receive and investigate all claims under chapter 43 of title 38, United States Code, with respect to Federal executive agencies in cases where the Office of Special Counsel has jurisdiction over related claims pursuant to section 1212 of title 5, United States Code.

(2) RELATED CLAIMS.—For purposes of paragraph (1), a related claim is a claim involving the same Federal executive agency and the same or similar factual allegations or legal issues as those being pursued under a claim under chapter 43 of title 38, United States Code.

(c) REFERRAL OF OTHER CLAIMS AGAINST FEDERAL EXECUTIVE AGENCIES.—

(1) IN GENERAL.—Under the demonstration project, the Secretary—

(A) shall refer to the Office of Special Counsel all claims described in paragraph (2) made during the period of the demonstration project; and

(B) may refer any claim described in paragraph (2) filed before the demonstration project that is pending before the Secretary at the beginning of the demonstration project.

(2) CLAIMS DESCRIBED.—A claim described in this paragraph is a claim under chapter 43 of title 38, United States Code, against a Federal executive agency by a claimant with a social security account number with an odd number as its terminal digit or, in the case of a claim that does not contain a social security account number, a case number assigned to the claim with an odd number as its terminal digit.

(d) ADMINISTRATION OF DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The Office of Special Counsel shall administer the demonstration project. The Secretary shall cooperate with the Office of Special Counsel in carrying out the demonstration project.

(2) TREATMENT OF CERTAIN TERMS IN CHAPTER 43 OF TITLE 38, UNITED STATES CODE.—In the case of any claim referred to, or otherwise received by, the Office of Special Counsel under the demonstration project, any reference to the ''Secretary'' in sections 4321, 4322, and 4326 of title 38, United States Code, is deemed to be a reference to the ''Office of Special Counsel''.

(3) ADMINISTRATIVE JURISDICTION.—In the case of any claim referred to, or otherwise received by, the Office of Special Counsel under the demonstration project, the Office of Special Counsel shall retain administrative jurisdiction over the claim.

(e) DATA COMPARABILITY FOR REVIEWING AGENCY PERFORMANCE.—

(1) IN GENERAL.—To facilitate the review of the relative performance of the Office of Special Counsel and the Department of Labor during the demonstration project, the Office of Special Counsel and the Department of Labor shall jointly establish methods and procedures to be used by both the Office and the Department during the demonstration project. Such methods and procedures shall include each of the following:

(A) Definitions of performance measures, including—

(i) customer satisfaction;

(ii) cost (such as, but not limited to, average cost per claim);

(iii) timeliness (such as, but not limited to, average processing time, case age);

(iv) capacity (such as, but not limited to, staffing levels, education, grade level, training received, caseload); and

(v) case outcomes.

(B) Definitions of case outcomes.

(C) Data collection methods and timing of collection.

(D) Data quality assurance processes.

(2) JOINT REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Special Counsel and the Secretary of Labor shall jointly submit to the Committees on Veterans' Affairs of the Senate and House of Representatives and to the Comptroller General of the United States a report describing the methods and procedures established under paragraph (1).

(3) COMPTROLLER GENERAL REPORT.—Not later than 30 days after the date of the submittal of the report under paragraph (2), the Comptroller General shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on

the report submitted under paragraph (2) and may provide recommendations for improving the methods and procedures described therein.

(f) AGENCY DATA TO GOVERNMENT ACCOUNTABILITY OFFICE.—The Office of Special Counsel and the Secretary of Labor shall submit to the Comptroller General such information and data about the demonstration project as may be required by the Comptroller General, from time to time during the course of the demonstration project and at the conclusion, in order for the Comptroller General to assess the reliability of the demonstration data maintained by both the Office of Special Counsel and the Department of Labor and to review the relative performance of the Office and Department under the demonstration project.

(g) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—The Comptroller General shall review the relative performance of the Office of Special Counsel and the Department of Labor under the demonstration project and—

(1) not later than one year after the commencement of the demonstration project, and annually thereafter during the period when the demonstration project is conducted, submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an interim report on the demonstration project; and

(2) not later than 90 days after the conclusion of the demonstration project, submit to such committees a final report that includes the findings and conclusions of the Comptroller General regarding the relative performance of the Office and the Department under the demonstration project and such recommendations as the Comptroller General determines are appropriate.

SEC. 106. VETERANS ENERGY-RELATED EMPLOYMENT PROGRAM.

(a) ESTABLISHMENT OF PILOT PROGRAM.—To encourage the employment of eligible veterans in the energy industry, the Secretary of Labor, as part of the Veterans Workforce Investment Program, shall carry out a pilot program to be known as the ''Veterans Energy-Related Employment Program''. Under the pilot program, the Secretary shall award competitive grants to not more than three States for the establishment and administration of a State program to make grants to energy employers that provide covered training, on-job training, apprenticeships, and certification classes to eligible veterans. Such a program shall be known as a ''State Energy-Related Employment Program''.

(b) ELIGIBILITY FOR GRANTS.—To be eligible to receive a grant under the pilot program, a State shall submit to the Secretary an application that includes each of the following:

(1) A proposal for the expenditure of grant funds to establish and administer a public-private partnership program designed to provide covered training, on-job training, apprenticeships, and certification classes to a significant number of eligible veterans and ensure lasting and sustainable employment in well-paying jobs in the energy industry.

(2) Evidence that the State has—

(A) a population of eligible veterans of an appropriate size to carry out the State program;

(B) a robust and diverse energy industry; and

(C) the ability to carry out the State program described in the proposal under paragraph (1).

(3) Such other information and assurances as the Secretary may require.

(c) USE OF FUNDS.—A State that is the recipient of a grant under this section shall use the grant for the following purposes:

(1) Making grants to energy employers to reimburse such employers for the cost of providing covered training, on-job training, apprenticeships, and certification classes to eligible veterans who are first hired by the employer on or after November 1, 2010.

(2) Conducting outreach to inform energy employers and veterans, including veterans in rural areas, of their eligibility or potential eligibility for participation in the State program.

(d) CONDITIONS.—Under the pilot program, each grant to a State shall be subject to the following conditions:

(1) The State shall repay to the Secretary, on such date as shall be determined by the Secretary, any amount received under the pilot program that is not used for the purposes described in subsection (c).

(2) The State shall submit to the Secretary, at such times and containing such information as the Secretary shall require, reports on the use of grant funds.

(e) EMPLOYER REQUIREMENTS.—In order to receive a grant made by a State under the pilot program, an energy employer shall—

(1) submit to the administrator of the State Energy-Related Employment Program an application that includes—

(A) the rate of pay, during and after training, for each eligible veteran proposed to be trained using grant funds;

(B) the average rate of pay for an individual employed by the energy employer in a similar position who is not an eligible veteran; and

(C) such other information and assurances as the administrator may require; and

(2) agree to submit to the administrator, for each quarter, a report containing such information as the Secretary may specify.

(f) LIMITATION.—None of the funds made available to an energy employer through a grant under the pilot program may be used to provide training of any kind to—

(1) a person who is not an eligible veteran; or

(2) an eligible veteran for whom the employer has received a grant, credit, or subsidy under any other provision of law.

(g) REPORT TO CONGRESS.—Together with the report required to be submitted annually under section 4107(c) of title 38, United States Code, the Secretary shall submit to Congress a report on the pilot program for the year covered by such report. The report on the pilot program shall include a detailed description of activities carried out under this section and an evaluation of the program.

(h) ADMINISTRATIVE AND REPORTING COSTS.—Of the amounts appropriated pursuant to the authorization of appropriations under subsection (j), two percent shall be made available to the Secretary for administrative costs associated with implementing and evaluating the pilot program under this section and for preparing and submitting the report required under subsection (f). The Secretary shall determine the appropriate maximum amount of each grant awarded under this section that may be used by the recipient for administrative and reporting costs.

(i) DEFINITIONS.—For purposes of this section:

(1) The term ''covered training, on-job training, apprenticeships, and certification classes'' means training, on-job training, apprenticeships, and certification classes that are—

(A) designed to provide the veteran with skills that are particular to an energy industry and not directly transferable to employment in another industry; and

(B) approved as provided in paragraph (1) or (2), as appropriate, of subsection (a) of section 3687 of title 38, United States Code.

(2) The term ''eligible veteran'' means a veteran, as that term is defined in section 101(2) of title 38, United States Code, who is employed by an energy employer and enrolled or participating in a covered training, on-job training, apprenticeship, or certification class.

(3) The term ''energy employer'' means an entity that employs individuals in a trade or business in an energy industry.

(4) The term ''energy industry'' means any of the following industries:

(A) The energy-efficient building, construction, or retrofits industry.

(B) The renewable electric power industry, including the wind and solar energy industries.

(C) The biofuels industry.

(D) The energy efficiency assessment industry that serves the residential, commercial, or industrial sectors.

(E) The oil and natural gas industry.

(F) The nuclear industry.

(j) APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $1,500,000 for each of fiscal years 2012 through 2014, for the purpose of carrying out the pilot program under this section.

SEC. 107. PAT TILLMAN VETERANS' SCHOLARSHIP INITIATIVE.

(a) AVAILABILITY OF SCHOLARSHIP INFORMATION.—By not later than June 1, 2011, the Secretary of Veterans Affairs shall include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors and, for each such organization, a link to the Internet website of the organization.

(b) MAINTENANCE OF SCHOLARSHIP INFORMATION.—The Secretary of Veterans Affairs shall make reasonable efforts to notify schools and other appropriate entities of the opportunity to be included on the Internet website of the Department of Veterans Affairs pursuant to subsection (a).

TITLE II—HOUSING AND HOMELESSNESS MATTERS

SEC. 201. REAUTHORIZATION OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROGRAM.

Section 2021(e)(1)(F) is amended by striking ''2009'' and inserting ''2011''.

SEC. 202. 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) AUTHORIZATION OF APPROPRIATIONS.—(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 $1,000,000 for each of fiscal years 2011 through 2015.

''(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. 203. SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM.

(a) 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.—(1) Each grant awarded under this section shall be in an amount of not more than $200,000 per fiscal year.

''(2) For each fiscal year in which the Secretary makes a grant under this section, the Secretary shall make the grant by not later than April 1 of that 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 fiscal year following a fiscal 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 fiscal 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 appropriated to the Department for readjustment benefits for each fiscal year for which the Secretary is authorized to make a grant under this section, $1,000,000 shall be available for that fiscal year for the purposes of the program under this section.

''(g) DURATION.—The authority to make a grant under this section shall begin on October 1, 2011, and shall terminate on September 30, 2016.''.

(b) 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.''.

SEC. 204. WAIVER OF HOUSING LOAN FEE FOR CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES CALLED TO ACTIVE SERVICE.

Section 3729(c)(1) is amended by inserting after ''retirement pay'' the following: ''or active service pay''.

TITLE III—SERVICEMEMBERS CIVIL RELIEF ACT MATTERS

SEC. 301. RESIDENTIAL AND MOTOR VEHICLE LEASES.

Subsection (e) of section 305 of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended to read as follows:

''(e) ARREARAGES AND OTHER OBLIGATIONS AND LIABILITIES.—

''(1) LEASES OF PREMISES.—Rent amounts for a lease described in subsection (b)(1) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.

''(2) LEASES OF MOTOR VEHICLES.—Lease amounts for a lease described in subsection (b)(2) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, title and registration fees, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear or use and mileage, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.''.

SEC. 302. TERMINATION OF TELEPHONE SERVICE CONTRACTS.

(a) IN GENERAL.—Section 305A of the Servicemembers Civil Relief Act (50 U.S.C. App. 535a) is amended to read as follows:

''SEC. 305A. TERMINATION OF TELEPHONE SERVICE CONTRACTS.

''(a) TERMINATION BY SERVICEMEMBER.—

''(1) TERMINATION.—A servicemember may terminate a contract described in subsection (b) at any time after the date the servicemember receives military orders to relocate for a period of not less than 90 days to a location that does not support the contract.

''(2) NOTICE.—In the case that a servicemember terminates a contract as described in paragraph (1), the service provider under the contract shall provide such servicemember with written or electronic notice of the servicemember's rights under such paragraph.

''(3) MANNER OF TERMINATION.—Termination of a contract under paragraph (1) shall be made by delivery of a written or electronic notice of such termination and a copy of the servicemember's military orders to the service provider, delivered in accordance with industry standards for notification of terminations, together with the date on which the service is to be terminated.

''(b) COVERED CONTRACTS.—A contract described in this subsection is a contract for cellular telephone service or telephone exchange service entered into by the servicemember before receiving the military orders referred to in subsection (a)(1).

''(c) RETENTION OF TELEPHONE NUMBER.—In the case of a contract terminated under subsection (a) by a servicemember whose period of relocation is for a period of three years or less, the service provider under the contract shall, notwithstanding any other provision of law, allow the servicemember to keep the telephone number the servicemember has under the contract if the servicemember resubscribes to the service during the 90-day period beginning on the last day of such period of relocation.

''(d) FAMILY PLANS.—In the case of a contract for cellular telephone service entered into by any individual in which a servicemember is a designated beneficiary of the contract, the individual who entered into the contract may terminate the contract—

''(1) with respect to the servicemember if the servicemember is eligible to terminate contracts pursuant to subsection (a); and

''(2) with respect to all of the designated beneficiaries of such contract if all such beneficiaries accompany the servicemember during the servicemember's period of relocation.

''(e) OTHER OBLIGATIONS AND LIABILITIES.—For any contract terminated under this section, the service provider under the contract may not impose an early termination charge, but any tax or any other obligation or liability of the servicemember that, in accordance with the terms of the contract, is due and unpaid or unperformed at the time of termination of the contract shall be paid or performed by the servicemember. If the servicemember re-subscribes to the service provided under a covered contract during the 90-day period beginning on the last day of the servicemember's period of relocation, the service provider may not impose a charge for reinstating service, other than the usual and customary charges for the installation or acquisition of customer equipment imposed on any other subscriber.

''(f) RETURN OF ADVANCE PAYMENTS.—Not later than 60 days after the effective date of the termination of a contract under this section, the service provider under the contract shall refund to the servicemember any fee or other amount to the extent paid for a period extending until after such date, except for the remainder of the monthly or similar billing period in which the termination occurs.

''(g) DEFINITIONS.—For purposes of this section:

''(1) The term 'cellular telephone service' means commercial mobile service, as that term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

''(2) The term 'telephone exchange service' has the meaning given that term under section 3 of the Communications Act of 1934 (47 U.S.C. 153).''.

(b) TECHNICAL AMENDMENT.—The heading for title III of such Act is amended by inserting ''**, TELEPHONE SERVICE CONTRACTS**'' after ''**LEASES**''.

(c) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of such Act is amended—

(1) by striking the item relating to title III and inserting the following new item:

''TITLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES, LIENS, ASSIGNMENT, LEASES, TELEPHONE SERVICE CONTRACTS''; AND

(2) by striking the item relating to section 305A and inserting the following new item:

''Sec. 305A. Termination of telephone service contracts.''.

SEC. 303. ENFORCEMENT BY THE ATTORNEY GENERAL AND BY PRIVATE RIGHT OF ACTION.

(a) IN GENERAL.—The Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) is amended by adding at the end the following new title:

''TITLE VIII—CIVIL LIABILITY

''SEC. 801. ENFORCEMENT BY THE ATTORNEY GENERAL.

''(a) CIVIL ACTION.—The Attorney General may commence a civil action in any appropriate district court of the United States against any person who—

''(1) engages in a pattern or practice of violating this Act; or

''(2) engages in a violation of this Act that raises an issue of significant public importance.

''(b) RELIEF.—In a civil action commenced under subsection (a), the court may—

''(1) grant any appropriate equitable or declaratory relief with respect to the violation of this Act;

''(2) award all other appropriate relief, including monetary damages, to any person aggrieved by the violation; and

''(3) may, to vindicate the public interest, assess a civil penalty—

''(A) in an amount not exceeding $55,000 for a first violation; and

''(B) in an amount not exceeding $110,000 for any subsequent violation.

''(c) INTERVENTION.—Upon timely application, a person aggrieved by a violation of this Act with respect to which the civil action is commenced may intervene in such action, and may obtain such appropriate relief as the person could obtain in a civil action under section 802 with respect to that violation, along with costs and a reasonable attorney fee.

''SEC. 802. PRIVATE RIGHT OF ACTION.

''(a) IN GENERAL.—Any person aggrieved by a violation of this Act may in a civil action—

''(1) obtain any appropriate equitable or declaratory relief with respect to the violation; and

''(2) recover all other appropriate relief, including monetary damages.

''(b) COSTS AND ATTORNEY FEES.—The court may award to a person aggrieved by a violation of this Act who prevails in an action brought under subsection (a) the costs of the action, including a reasonable attorney fee.

''SEC. 803. PRESERVATION OF REMEDIES.

''Nothing in section 801 or 802 shall be construed to preclude or limit any remedy otherwise available under other law, including consequential and punitive damages.''.

(b) CONFORMING AMENDMENTS.—Such Act is further amended as follows:

(1) Section 207 (50 U.S.C. App. 527) is amended by striking subsection (f).

(2) Section 301(c) (50 U.S.C. App. 531(c)) is amended to read as follows:

''(c) MISDEMEANOR.—Except as provided in subsection (a), a person who knowingly takes part in an eviction or distress described in subsection (a), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.''.

(3) Section 302(b) (50 U.S.C. App. 532(b)) is amended to read as follows:

''(b) MISDEMEANOR.—A person who knowingly resumes possession of property in violation of subsection (a), or in violation of section 107 of this Act, or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.''.

(4) Section 303(d) (50 U.S.C. App. 533(d)) is amended to read as follows:

''(d) MISDEMEANOR.—A person who knowingly makes or causes to be made a sale, foreclosure, or seizure of property that is prohibited by subsection (c), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.''.

(5) Section 305(h) (50 U.S.C. App. 535(h)) is amended to read as follows:

''(h) MISDEMEANOR.—Any person who knowingly seizes, holds, or detains the personal effects, security deposit, or other property of a servicemember or a servicemember's dependent who lawfully terminates a lease covered by this section, or who knowingly interferes with the removal of such property from premises covered by such lease, for the purpose of subjecting or attempting to subject any of such property to a claim for rent accruing subsequent to the date of termination of such lease, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.''.

(6) Section 306(e) (50 U.S.C. App. 536(e)) is amended to read as follows:

''(e) MISDEMEANOR.—A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.''.

(7) Section 307(c) (50 U.S.C. App. 537(c)) is amended to read as follows:

''(c) MISDEMEANOR.—A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end the following new items:

''TITLE VIII—CIVIL LIABILITY

''Sec. 801. Enforcement by the Attorney General.

''Sec. 802. Private right of action.

''Sec. 803. Preservation of remedies.''.

TITLE IV—INSURANCE MATTERS

SEC. 401. INCREASE IN AMOUNT OF SUPPLEMENTAL INSURANCE FOR TOTALLY DISABLED VETERANS.

(a) IN GENERAL.—Section 1922A(a) is amended by striking ''$20,000'' and inserting ''$30,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2011.

SEC. 402. PERMANENT EXTENSION OF DURATION OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE FOR TOTALLY DISABLED VETERANS.

(a) EXTENSION.—Section 1968(a) is amended—

(1) in paragraph (1)(A), by striking clause (ii) and inserting the following new clause (ii):

''(ii) The date that is two years after the date of separation or release from such active duty or active duty for training.''; and

(2) in paragraph (4), by striking subparagraph (B) and inserting the following new subparagraph (B):

''(B) The date that is two years after the date of separation or release from such assignment.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a person who is separated or released on or after June 15, 2005.

SEC. 403. ADJUSTMENT OF COVERAGE OF DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

Clause (ii) of section 1968(a)(5)(B) is amended to read as follows:

''(ii)(I) in the case of a member of the Ready Reserve of a uniformed service who meets the qualifications set forth in subparagraph (B) or (C) of section 1965(5) of this title, 120 days after separation or release from such assignment; or

''(II) in the case of any other member of the uniformed services, 120 days after the date of the member's separation or release from the uniformed services; or''.

SEC. 404. OPPORTUNITY TO INCREASE AMOUNT OF VETERANS' GROUP LIFE INSURANCE.

(a) OPPORTUNITY TO INCREASE AMOUNT.—Section 1977(a) is amended—

(1) in paragraph (1), by inserting ''Except as provided in paragraph (3),'' before ''Veterans' Group Life Insurance shall be''; and

(2) by adding after paragraph (2) the following new paragraph:

''(3) Not more than once in each five-year period beginning on the one-year anniversary of the date a person becomes insured under Veterans' Group Life Insurance, such person may elect in writing to increase by $25,000 the amount for which the person is insured if—

''(A) the person is under the age of 60; and

''(B) the total amount for which the person is insured does not exceed the amount provided for under section 1967(a)(3)(A)(i) of this title.''.

(b) EFFECTIVE DATE.—Paragraph (3) of section 1977(a) of title 38, United States Code, as added by subsection (a), shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 405. ELIMINATION OF REDUCTION IN AMOUNT OF ACCELERATED DEATH BENEFIT FOR TERMINALLY-ILL PERSONS INSURED UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE.

(a) ELIMINATION OF REDUCTION.—Section 1980(b)(1) is amended by striking ''reduced by'' and all that follows through ''the Secretary''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a payment of an accelerated death benefit under section 1980 of title 38, United States Code, made on or after the date of the enactment of this Act.

SEC. 406. CONSIDERATION OF LOSS OF DOMINANT HAND IN PRESCRIPTION OF SCHEDULE OF SEVERITY OF TRAUMATIC INJURY UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) SCHEDULE.—

(1) IN GENERAL.—Section 1980A(d) is amended—

(A) by striking ''Payments under'' and inserting ''(1) Payments under''; and

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

''(2) As the Secretary considers appropriate, the schedule required by paragraph (1) may distinguish in specifying payments for qualifying losses between the severity of a qualifying loss of a dominant hand and of a qualifying loss of a nondominant hand.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2011.

(b) PAYMENTS FOR QUALIFYING LOSSES INCURRED BEFORE DATE OF ENACTMENT.—

(1) IN GENERAL.—To the extent necessary, the Secretary of Veterans Affairs shall prescribe in regulations mechanisms for payments under section 1980A of title 38, United States Code, for qualifying losses incurred before the date of the enactment of this Act, by reason of paragraph (2) of subsection (d) of such section (as added by subsection (a)(1) of this section).

(2) QUALIFYING LOSS DEFINED.—In this subsection, the term ''qualifying loss'' means—

(A) a loss specified in the second sentence of subsection (b)(1) of section 1980A of title 38, United States Code; and

(B) any other loss specified by the Secretary of Veterans Affairs pursuant to the first sentence of that subsection.

SEC. 407. ENHANCEMENT OF VETERANS' MORTGAGE LIFE INSURANCE.

(a) IN GENERAL.—Section 2106(b) is amended by striking ''$90,000'' and inserting ''$150,000, or after January 1, 2012, $200,000,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2011.

SEC. 408. EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) IN GENERAL.—Paragraph (1) of section 501(b) of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (Public Law 109–233; 120 Stat. 414; 38 U.S.C. 1980A note) is amended by striking '', if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking ''IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

TITLE V—BURIAL AND CEMETERY MATTERS

SEC. 501. INCREASE IN CERTAIN BURIAL AND FUNERAL BENEFITS AND PLOT ALLOWANCES FOR VETERANS.

(a) INCREASE IN BURIAL AND FUNERAL EXPENSES FOR DEATHS IN DEPARTMENT FACILITIES.—Paragraph (1)(A) of subsection (a) of section 2303 is amended by striking ''$300'' and inserting ''$700 (as increased from time to time under subsection (c))''.

(b) INCREASE IN AMOUNT OF PLOT ALLOWANCES.—Subsection (b) of such section is amended by striking ''$300'' both places it appears and inserting ''$700 (as increased from time to time under subsection (c))''.

(c) ANNUAL ADJUSTMENT.—Such section is further amended by adding at the end the following new subsection:

''(c) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the maximum amount of burial and funeral expenses payable under subsection (a) and in the maximum amount of the plot or interment allowance payable under subsection (b), equal to the percentage by which—

''(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(2) the Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to deaths occurring on or after October 1, 2011.

(2) PROHIBITION ON COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2012.—No adjustments shall be made under section 2303(c) of title 38, United States Code, as added by subsection (c), for fiscal year 2012.

SEC. 502. INTERMENT IN NATIONAL CEMETERIES OF PARENTS OF CERTAIN DECEASED VETERANS.

(a) SHORT TITLE.—This section may be cited as the ''Corey Shea Act''.

(b) INTERMENT OF PARENTS OF CERTAIN DECEASED VETERANS.—Section 2402 is amended—

(1) in the matter preceding paragraph (1), by striking ''Under such regulations'' and inserting ''(a) Under such regulations'';

(2) by moving the margins of paragraphs (1) through (8) two ems to the right;

(3) by inserting after paragraph (8) the following new paragraph:

''(9)(A) The parent of a person described in subparagraph (B), if the Secretary determines that there is available space at the gravesite where the person described in subparagraph (B) is interred.

''(B) A person described in this subparagraph is a person described in paragraph (1) who—

''(i) is a hostile casualty or died from a training-related injury;

''(ii) is interred in a national cemetery; and

''(iii) at the time of the person's parent's death, did not have a spouse, surviving spouse, or child who is buried or who, upon death, may be eligible for burial in a national cemetery pursuant to paragraph (5).''; and

(4) by adding at the end the following new subsection:

''(b) For purposes of subsection (a)(9) of this section:

''(1) The term 'parent' means a biological father or a biological mother or, in the case of adoption, a father through adoption or a mother through adoption.

''(2) The term 'hostile casualty' means a person who, as a member of the Armed Forces, dies as the direct result of hostile action with the enemy, while in combat, while going to or returning from a combat mission if the cause of death was directly related to hostile action, or while hospitalized or undergoing treatment at the expense of the United States for injury incurred during combat, and includes a person killed mistakenly or accidentally by friendly fire directed at a hostile force or what is thought to be a hostile force, but does not include a person who dies due to the elements, a self-inflicted wound, combat fatigue, or a friendly force while the person was in an absent-without-leave, deserter, or dropped-from-rolls status or was voluntarily absent from a place of duty.

''(3) The term 'training-related injury' means an injury incurred by a member of the Armed Forces while performing authorized training activities in preparation for a combat mission.''.

(c) GUIDANCE REQUIRED.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall develop guidance under which the parent of a person described in paragraph (9)(B) of subsection (a) of section 2402 of title 38, United States Code, as added by subsection (b), may be designated for interment in a national cemetery under that section.

(d) CONFORMING AMENDMENTS.—

(1) CROSS-REFERENCE CORRECTION.—Section 107 is amended by striking ''section 2402(8)'' both places it appears and inserting ''section 2402(a)(8)''.

(2) CROSS-REFERENCE CORRECTION.—Section 2301(e) is amended by striking ''section 2402(6)'' and inserting ''section 2402(a)(6)''.

(3) CROSS-REFERENCE CORRECTION.—Section 2306(a) is amended—

(A) in paragraph (2), by striking ''section 2402(4)'' and inserting ''section 2402(a)(4)''; and

(B) in paragraph (4), by striking ''section 2402(5)'' and inserting ''section 2402(a)(5)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the death, on or after the date of the enactment of this Act, of the parent of a person described in paragraph (9)(B) of subsection (a) of section 2402 of title 38, United States Code, as added by subsection (b), who dies on or after October 7, 2001.

SEC. 503. REPORTS ON SELECTION OF NEW NATIONAL CEMETERIES.

(a) INITIAL REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the selection of the sites described in paragraph (2) for the purpose of establishing new national cemeteries.

(2) SITES.—The sites described in this paragraph are the following:

(A) An area in southern Colorado.

(B) An area near Melbourne, Florida, and Daytona, Florida.

(C) An area near Omaha, Nebraska.

(D) An area near Buffalo, New York, and Rochester, New York.

(E) An area near Tallahassee, Florida.

(3) SITE SELECTION.—In carrying out this section, the Secretary shall solicit advice and views of representatives of State and local veterans organizations and other individuals as the Secretary considers appropriate.

(4) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) A schedule for the establishment of each cemetery at each site described in paragraph (2) and an estimate of the costs associated with the establishment of each such cemetery.

(B) As of the date of the submittal of the report, the amount of funds that are available to establish each cemetery at each site described in paragraph (2) from amounts appropriated to the Department of Veterans Affairs for Advance Planning.

(b) ANNUAL REPORTS.—Not later than two years after the date of the enactment of this Act, and each year thereafter until the date on which each cemetery at each site described in subsection (a)(2) is established, the Secretary shall submit to Congress an annual report that includes updates to the information provided in the report under subsection (a).

TITLE VI—COMPENSATION AND PENSION

SEC. 601. ENHANCEMENT OF DISABILITY COMPENSATION FOR CERTAIN DISABLED VETERANS WITH DIFFICULTIES USING PROSTHESES AND DISABLED VETERANS IN NEED OF REGULAR AID AND ATTENDANCE FOR RESIDUALS OF TRAUMATIC BRAIN INJURY.

(a) VETERANS SUFFERING ANATOMICAL LOSS OF HANDS, ARMS, OR LEGS.—Section 1114 is amended—

(1) in subsection (m)—

(A) by striking ''at a level, or with complications,'' and inserting ''with factors''; and

(B) by striking ''at levels, or with complications,'' and inserting ''with factors'';

(2) in subsection (n)—

(A) by striking ''at levels, or with complications,'' and inserting ''with factors'';

(B) by striking ''so near the hip as to'' and inserting ''with factors that''; and

(C) by striking ''so near the shoulder and hip as to'' and inserting ''with factors that''; and

(3) in subsection (o), by striking ''so near the shoulder as to'' and inserting ''with factors that''.

(b) VETERANS WITH SERVICE-CONNECTED DISABILITIES IN NEED OF REGULAR AID AND ATTENDANCE FOR RESIDUALS OF TRAUMATIC BRAIN INJURY.—

(1) IN GENERAL.—Such section is further amended—

(A) in subsection (p), by striking the semicolon at the end and inserting a period; and

(B) by adding at the end the following new subsection:

''(t) Subject to section 5503(c) of this title, if any veteran, as the result of service-connected disability, is in need of regular aid and attendance for the residuals of traumatic brain injury, is not eligible for compensation under subsection (r)(2), and in the absence of such regular aid and attendance would require hospitalization, nursing home care, or other residential institutional care, the veteran shall be paid, in addition to any other compensation under this section, a monthly aid and attendance allowance equal to the rate described in subsection (r)(2), which for purposes of section 1134 of this title shall be considered as additional compensation payable for disability. An allowance authorized under this subsection shall be paid in lieu of any allowance authorized by subsection (r)(1).''.

(2) CONFORMING AMENDMENT.—Section 5503(c) is amended by striking ''in section 1114(r)'' and inserting ''in subsection (r) or (t) of section 1114''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

SEC. 602. COST-OF-LIVING INCREASE FOR TEMPORARY DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN UNDER THE AGE OF 18.

Section 1311(f) is amended—

(1) in paragraph (1), by inserting ''(as increased from time to time under paragraph (4))'' after ''$250'';

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the amount payable under paragraph (1), as such amount was in effect immediately prior to the date of such increase in benefit amounts, by the same percentage as the percentage by which such benefit amounts are increased. Any increase in a dollar amount under this paragraph shall be rounded down to the next lower whole dollar amount.''.

SEC. 603. PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVORS OF FORMER PRISONERS OF WAR WHO DIED ON OR BEFORE SEPTEMBER 30, 1999.

(a) IN GENERAL.—Section 1318(b)(3) is amended by striking ''who died after September 30, 1999,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2011.

SEC. 604. EXCLUSION OF CERTAIN AMOUNTS FROM CONSIDERATION AS INCOME FOR PURPOSES OF VETERANS PENSION BENEFITS.

(a) EXCLUSION.—Section 1503(a) 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''.

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

SEC. 605. COMMENCEMENT OF PERIOD OF PAYMENT OF ORIGINAL AWARDS OF COMPENSATION FOR VETERANS RETIRED OR SEPARATED FROM THE UNIFORMED SERVICES FOR CATASTROPHIC DISABILITY.

(a) COMMENCEMENT OF PERIOD OF PAYMENT.—Subsection (a) of section 5111 is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) in paragraph (1), as so designated by paragraph (1) of this subsection, by striking ''in subsection (c) of this section'' and inserting ''in paragraph (2) and subsection (c)''; and

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

''(2)(A) In the case of a veteran who is retired or separated from the active military, naval, or air service for a catastrophic disability or disabilities, payment of monetary benefits based on an award of compensation based on an original claim shall be made as of the date on which such award becomes effective as provided under section 5110 of this title or another applicable provision of law.

''(B) For the purposes of this paragraph, the term 'catastrophic disability', with respect to a veteran, means a permanent, severely disabling injury, disorder, or disease that compromises the ability of the veteran to carry out the activities of daily living to such a degree that the veteran requires personal or mechanical assistance to leave home or bed, or requires constant supervision to avoid physical harm to self or others.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2011, and shall apply with respect to awards of compensation based on original claims that become effective on or after that date.

SEC. 606. APPLICABILITY OF LIMITATION TO PENSION PAYABLE TO CERTAIN CHILDREN OF VETERANS OF A PERIOD OF WAR.

Section 5503(d)(5) is amended—

(1) by inserting ''(A)'' after ''(5)''; and

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

''(B) The provisions of this subsection shall apply with respect to a child entitled to pension under section 1542 of this title in the same manner as they apply to a veteran having neither spouse nor child.''.

SEC. 607. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) is amended by striking ''September 30, 2011'' and inserting ''May 31, 2015''.

SEC. 608. CODIFICATION OF 2009 COST-OF-LIVING ADJUSTMENT IN RATES OF PENSION FOR DISABLED VETERANS AND SURVIVING SPOUSES AND CHILDREN.

(a) DISABLED VETERANS.—Section 1521 of title 38, United States Code, is amended—

(1) in subsection (b), by striking ''$3,550'' and inserting ''$11,830'';

(2) in subsection (c)—

(A) by striking ''$4,651'' and inserting ''$15,493''; and

(B) by striking ''$600'' and inserting ''$2,020'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''$5,680'' and inserting ''$19,736''; and

(B) in paragraph (2)—

(i) by striking ''$6,781'' and inserting ''$23,396''; and

(ii) by striking ''$600'' and inserting ''$2,020'';

(4) in subsection (e)—

(A) by striking ''$4,340'' and inserting ''$14,457'';

(B) by striking ''$5,441'' and inserting ''$18,120''; and

(C) by striking ''$600'' and inserting ''$2,020'';

(5) in subsection (f)—

(A) in paragraph (1), by striking ''$4,651'' and inserting ''$15,493'';

(B) in paragraph (2)—

(i) by striking ''$6,781'' and inserting ''$23,396''; and

(ii) by striking ''$8,911'' and inserting ''$30,480'';

(C) in paragraph (3)—

(i) by striking ''$5,441'' and inserting ''$18,120''; and

(ii) by striking ''$6,231'' and inserting ''$20,747'';

(D) in paragraph (4), by striking ''$7,571'' and inserting ''$26,018''; and

(E) in paragraph (5), by striking ''$600'' and inserting ''$2,020''; and

(6) in subsection (g), by striking ''$800'' and inserting ''$2,686''.

(b) SURVIVING SPOUSES.—Section 1541 of such title is amended—

(1) in subsection (b), by striking ''$2,379'' and inserting ''$7,933'';

(2) in subsection (c)—

(A) by striking ''$3,116'' and inserting ''$10,385''; and

(B) by striking ''$600'' and inserting ''$2,020'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''$3,806'' and inserting ''$12,681''; and

(B) in paragraph (2)—

(i) by striking ''$4,543'' and inserting ''$15,128''; and

(ii) by striking ''$600'' and inserting ''$2,020''; and

(4) in subsection (e)(1)—

(A) by striking ''$2,908'' and inserting ''$9,696'';

(B) by striking ''$3,645'' and inserting ''$12,144''; and

(C) by striking ''$600'' and inserting ''$2,020''.

(c) SURVIVING CHILDREN.—Section 1542 of such title is amended by striking ''$600'' and inserting ''$2,020'' both places it appears.

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall apply with respect to pensions paid on or after December 1, 2009.

TITLE VII—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

SEC. 701. CLARIFICATION THAT USERRA PROHIBITS WAGE DISCRIMINATION AGAINST MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 4303(2) is amended by striking ''other than'' and inserting ''including''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to—

(1) any failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act; and

(2) all actions or complaints filed under such chapter 43 that are pending on or after the date of the enactment of this Act.

SEC. 702. CLARIFICATION OF THE DEFINITION OF "SUCCESSOR IN INTEREST".

(a) IN GENERAL.—Section 4303(4) is amended by adding at the end the following new subparagraph:

''(D)(i) Whether the term 'successor in interest' applies with respect to an entity described in subparagraph (A) for purposes of clause (iv) of such subparagraph shall be determined on a case-by-case basis using a multi-factor test that considers the following factors:

''(I) Substantial continuity of business operations.

''(II) Use of the same or similar facilities.

''(III) Continuity of work force.

''(IV) Similarity of jobs and working conditions.

''(V) Similarity of supervisory personnel.

''(VI) Similarity of machinery, equipment, and production methods.

''(VII) Similarity of products or services.

''(ii) The entity's lack of notice or awareness of a potential or pending claim under this chapter at the time of a merger, acquisition, or other form of succession shall not be considered when applying the multi-factor test under clause (i).''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to—

(1) any failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act; and

(2) all actions or complaints filed under such chapter 43 that are pending on or after the date of the enactment of this Act.

SEC. 703. TECHNICAL AMENDMENTS.

(a) AMENDMENT TO SECTION 4324 OF TITLE 38, UNITED STATES CODE.—Section 4324(b)(4) is amended by inserting before the period the following: ''declining to initiate an action and represent the person before the Merit Systems Protection Board''.

(b) AMENDMENT TO CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—Section 206(b) of the Congressional Accountability Act of 1995 (2 U.S.C. 1316(b)) is amended by striking ''under paragraphs (1), (2)(A), and (3) of section 4323(c) of title 38, United States Code'' and inserting ''under section 4323(d) of title 38, United States Code''.

(c) AMENDMENT TO SECTION 416 OF TITLE 3, UNITED STATES CODE.—Section 416(b) of title 3, United States Code, is amended by striking ''under paragraphs (1) and (2)(A) of section 4323(c) of title 38'' and inserting ''under section 4323(d) of title 38''.

TITLE VIII—BENEFITS MATTERS

SEC. 801. INCREASE IN NUMBER OF VETERANS FOR WHICH PROGRAMS OF INDEPENDENT LIVING SERVICES AND ASSISTANCE MAY BE INITIATED.

(a) INCREASE.—Section 3120(e) is amended by striking ''2600'' and inserting ''2,700''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal years beginning after the date of the enactment of this Act.

SEC. 802. PAYMENT OF UNPAID BALANCES OF DEPARTMENT OF VETERANS AFFAIRS GUARANTEED LOANS.

(a) IN GENERAL.—Section 3732(a)(2) is amended—

(1) by striking ''Before suit'' and inserting ''(A) Before suit''; and

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

''(B) In the event that a housing loan guaranteed under this chapter is modified under the authority provided under section 1322(b) of title 11, the Secretary may pay the holder of the obligation the unpaid principal balance of the obligation due, plus accrued interest, as of the date of the filing of the petition under title 11, but only upon the assignment, transfer, and delivery to the Secretary (in a form and manner satisfactory to the Secretary) of all rights, interest, claims, evidence, and records with respect to the housing loan.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a housing loan guaranteed after the date of the enactment of this Act.

SEC. 803. ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILES AND ADAPTIVE EQUIPMENT.

(a) ELIGIBILITY.—Paragraph (1) of section 3901 is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''the disabilities described in subclause (i), (ii), or (iii) below'' and inserting ''the following disabilities''; and

(B) by adding at the end the following new clause:

''(iv) A severe burn injury (as determined pursuant to regulations prescribed by the Secretary).''; and

(2) in subparagraph (B), by striking ''subclause (i), (ii), or (iii) of clause (A) of this paragraph'' and inserting ''clause (i), (ii), (iii), or (iv) of subparagraph (A)''.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in the matter preceding paragraph (1), by striking ''chapter—'' and inserting ''chapter:'';

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''means—'' and inserting ''means the following:'';

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''any veteran'' and inserting ''Any veteran'';

(ii) in each of clauses (i) and (ii), by striking the semicolon at the end and inserting a period; and

(iii) in clause (iii), by striking ''; or'' and inserting a period; and

(C) in subparagraph (B), by striking ''any member'' and inserting ''Any member''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

SEC. 804. ENHANCEMENT OF AUTOMOBILE ASSISTANCE ALLOWANCE FOR VETERANS.

(a) INCREASE IN AMOUNT OF ALLOWANCE.—Subsection (a) of section 3902 is amended by striking ''$11,000'' and inserting ''$18,900 (as adjusted from time to time under subsection (e))''.

(b) ANNUAL ADJUSTMENT.—Such section is further amended by adding at the end the following new subsection:

''(e) Effective on October 1 of each year (beginning in 2011), the Secretary shall increase the dollar amount in effect under subsection (a) by a percentage equal to the percentage by which the Consumer Price Index for all urban consumers (U.S. city average) increased during the 12-month period ending with the last month for which Consumer Price Index data is available. In the event that such Consumer Price Index does not increase during such period, the Secretary shall maintain the dollar amount in effect under subsection (a) during the previous fiscal year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2011.

SEC. 805. NATIONAL ACADEMIES REVIEW OF BEST TREATMENTS FOR CHRONIC MULTISYMPTOM ILLNESS IN PERSIAN GULF WAR VETERANS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall seek to enter into an agreement with the Institute of Medicine of the National Academies to carry out a comprehensive review of the best treatments for chronic multisymptom illness in Persian Gulf War veterans and an evaluation of how such treatment approaches could best be disseminated throughout the Department of Veterans Affairs to improve the care and benefits provided to veterans.

(b) GROUP OF MEDICAL PROFESSIONALS.—Under any agreement entered into under subsection (a), the Institute of Medicine shall convene a group of medical professionals who are experienced in treating individuals who served as members of the Armed Forces in the Southwest Asia Theater of Operations of the Persian Gulf War during 1990 or 1991 and who have been diagnosed with chronic multisymptom illness or another health condition related to chemical and environmental exposure that may have occurred during such service.

(c) REPORT.—Any agreement entered into under subsection (a) shall require the Institute of Medicine to submit to the Secretary and to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the review and evaluation described in subsection (a) by not later than December 31, 2012. The report shall include such recommendations for legislative or administrative action as the Institute considers appropriate in light of the results of the review.

(d) FUNDING.—Pursuant to any agreement entered into under subsection (a), the Secretary shall provide the Institute of Medicine with such funds as are necessary to ensure the timely completion of the review described that subsection.

(e) DEFINITIONS.—For purposes of this section:

(1) The term ''chronic multisymptom illness in Persian Gulf War veterans'' means a chronic multisymptom illness defined by a cluster of signs or symptoms relating to service in the Persian Gulf War, typically including widespread pain, persistent memory and concentration problems, chronic headaches, gastrointestinal problems, and other abnormalities not explained by well-established diagnoses.

(2) The term ''Persian Gulf War'' has the meaning given that term in section 101(33) of title 38, United States Code.

SEC. 806. EXTENSION AND MODIFICATION OF NATIONAL ACADEMY OF SCIENCES REVIEWS AND EVALUATIONS ON ILLNESS AND SERVICE IN PERSIAN GULF WAR AND POST-9/11 GLOBAL OPERATIONS THEATERS.

(a) REVIEW AND EVALUATION OF AGENTS AND ILLNESSES ASSOCIATED WITH PERSIAN GULF WAR SERVICE.—

(1) EXTENSION OF REVIEW AND EVALUATION.—Subsection (j) of section 1603 of the Persian Gulf War Veterans Act of 1998 (Public Law 105–277; 38 U.S.C. 1117 note), as amended by section 202(d)(2) of the Veterans Education and Benefits Expansion Act of 2001 (Public Law 107–173; 115 Stat. 989), is amended by striking ''October 1, 2010'' and inserting ''October 1, 2015''.

(2) DISAGGREGATION OF RESULTS BY THEATERS OF OPERATIONS BEFORE AND AFTER SEPTEMBER 11, 2001.—Such section is further amended—

(A) in subsection (c)(1)(A), by striking ''who served in the Southwest Asia theater of operations'' and all that follows and inserting ''who may have been exposed by reason of service in the Southwest Asia theater of operations during the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations; and'';

(B) in subsection (g)(1), by striking ''Gulf War service'' and inserting ''service described in subsection (c)(1)(A)'';

(C) in subsection (i)—

(i) in paragraph (1), by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(ii) by redesignating paragraph (5) as paragraph (6); and

(iii) by inserting after paragraph (4) the following new paragraph (5):

''(5) In each report under this subsection submitted after the date of the enactment of this paragraph, any determinations, results, and recommendations as described in paragraph (2) shall be submitted separately as follows:

''(A) For the Southwest Asia theater of operations for the period of the Persian Gulf War ending on September 11, 2001.

''(B) For the Post-9/11 Global Theaters of Operations for the period of the Persian Gulf War beginning on September 11, 2001.''; and

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

''(l) DEFINITIONS.—In this section:

''(1) The term 'Persian Gulf War' has the meaning given that term in section 101(33) of title 38, United States Code.

''(2) The term 'Post-9/11 Global Theater of Operations' means Afghanistan, Iraq, and any other theater of operations for which the Global War on Terrorism Expeditionary Medal is awarded for service.''.

(b) REVIEW AND EVALUATION OF AVAILABLE EVIDENCE REGARDING ILLNESS AND SERVICE IN PERSIAN GULF WAR.—

(1) IN GENERAL.—Subsection (j) of section 101 of the Veterans Programs Enhancement Act of 1998 (Public Law 105–368; 112 Stat. 3321) is amended by striking ''11 years after'' and all that follows through ''under subsection (b)'' and inserting ''on October 1, 2018''.

(2) DISAGGREGATION OF RESULTS BY THEATERS OF OPERATIONS BEFORE AND AFTER SEPTEMBER 11, 2001.—Such section is further amended—

(A) in subsection (c)(1)—

(i) in the matter preceding subparagraph (A), by striking ''Gulf war veterans'' and all that follows through ''Persian Gulf War'' and inserting ''veterans who served in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations and the health consequences of exposures to risk factors during such service''; and

(ii) in subparagraph (A), by striking ''who served'' and all that follows through ''such service'' and inserting ''who may have been exposed by reason of service in the Southwest Asia theater of operations during the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations'';

(B) in subsection (e)(1)—

(i) in the matter preceding subparagraph (A), by striking ''Gulf War service or exposure during Gulf War service'' and inserting ''service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War or, after September 11, 2001, in another Post-9/11 Global Theater of Operations or exposure during such service''; and

(ii) in subparagraphs (E) and (F), by striking ''Gulf War veterans'' each place it appears and inserting ''veterans described in subsection (c)(1)'';

(C) in subsection (f)(1)—

(i) by striking ''service in the Persian Gulf War'' and inserting ''service described in subsection (c)(1)(A)''; and

(ii) by striking ''Gulf War service'' and inserting ''such service'';

(D) in subsection (h), by adding at the end the following new paragraph:

''(5) In each report under this subsection submitted after the date of the enactment of this paragraph, any determinations, discussions, and recommendations as described in paragraph (2) shall be submitted separately as follows:

''(A) For the Southwest Asia theater of operations for the period of the Persian Gulf War ending on September 11, 2001.

''(B) For the Post-9/11 Global Theaters of Operations for the period of the Persian Gulf War beginning on September 11, 2001.'';

(E) in subsection (i)—

(i) in paragraph (2)—

(I) by striking ''Persian Gulf War service'' and inserting ''service described in subsection (c)(1)(A)'';

(II) by striking ''service in the Persian Gulf War'' and inserting ''such service''; and

(III) by striking ''Gulf War veterans'' and inserting ''veterans described in subsection (c)(1)(A)''; and

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

''(4) In each report under this subsection submitted after the date of the enactment of this paragraph, any recommendations as described in paragraph (2) shall be submitted separately as follows:

''(A) For the Southwest Asia theater of operations for the period of the Persian Gulf War ending on September 11, 2001.

''(B) For the Post-9/11 Global Theaters of Operations for the period of the Persian Gulf War beginning on September 11, 2001.''; and

(F) in subsection (k)—

(i) by striking ''In this section, the term'' and inserting the following: ''In this section:

''(1) The term 'Persian Gulf War' has the meaning given that term in section 101(33) of title 38, United States Code.

''(2) The term 'Post-9/11 Global Theater of Operations' means Afghanistan, Iraq, and any other theater of operations for which the Global War on Terrorism Expeditionary Medal is awarded for service.

''(3) The term''; and

(ii) in paragraph (3), as designated by clause (i)—

(I) by striking ''vaccine associated with Gulf War service' means'' and inserting ''vaccine', with respect to service described in subsection (c)(1)(A), means''; and

(II) by striking ''service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War'' and inserting ''service described in such subsection (c)(1)(A)''.

(3) CONFORMING AMENDMENT.—Section 1604 of the Persian Gulf War Veterans Act of 1998 (Public Law 105–277; 38 U.S.C. 1117 note) is repealed.

SEC. 807. EXTENSION OF AUTHORITY FOR REGIONAL OFFICE IN REPUBLIC OF THE PHILIPPINES.

(a) EXTENSION OF AUTHORITY.—Section 315(b) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate and the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives a report on the regional office of the Department of Veterans Affairs in the Republic of the Philippines.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the activities of the office described in such paragraph, including activities relating to the administration of benefits provided under laws administered by the Secretary of Veterans Affairs and benefits provided under the Social Security Act (42 U.S.C. 301 et seq.).

(B) An assessment of the costs and benefits of maintaining such office in the Republic of the Philippines in comparison with the costs and benefits of moving the activities of such office to the United States.

SEC. 808. EXTENSION OF AN ANNUAL REPORT ON EQUITABLE RELIEF.

Section 503(c) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2014''.

SEC. 809. AUTHORITY FOR THE PERFORMANCE OF MEDICAL DISABILITY EXAMINATIONS BY CONTRACT PHYSICIANS.

Section 704(c) of the Veterans Benefits Act of 2003 (Public Law 108–183; 38 U.S.C. 5101 note), as amended by section 105 of the Veterans' Benefits Improvement Act of 2008 (Public Law 110–389; 122 Stat. 4149) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2012''.

TITLE IX—AUTHORIZATION OF MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

SEC. 901. AUTHORIZATION OF FISCAL YEAR 2011 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following fiscal year 2011 major medical facility leases at the locations specified, in an amount not to exceed the amount shown for each such location:

(1) Billings, Montana, Community Based Outpatient Clinic, in an amount not to exceed $7,149,000.

(2) Boston, Massachusetts, Outpatient Clinic, in an amount not to exceed $3,316,000.

(3) San Diego, California, Community Based Outpatient Clinic, in an amount not to exceed $21,495,000.

(4) San Francisco, California, Research Lab, in an amount not to exceed $10,055,000.

(5) San Juan, Puerto Rico, Mental Health Facility, in an amount not to exceed $5,323,000.

SEC. 902. MODIFICATION OF AUTHORIZATION AMOUNT FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED FOR THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, NEW ORLEANS, LOUISIANA.

Section 801(a)(1) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461; 120 Stat. 3442), as amended by section 702(a)(1) of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110–387; 122 Stat. 4137), is amended by striking ''$625,000,000'' and inserting ''$995,000,000''.

SEC. 903. MODIFICATION OF AUTHORIZATION AMOUNT FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED FOR THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, LONG BEACH, CALIFORNIA.

Section 802(9) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461; 120 Stat. 3443) is amended by striking ''$107,845,000'' and inserting ''$117,845,000''.

SEC. 904. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2011 for the Construction, Major Projects account $1,112,845,000, of which—

(1) $995,000,000 is for the increased amounts authorized for the project whose authorization is modified by section 902; and

(2) $117,845,000 is for the increased amounts authorized for the project whose authorization is modified by section 903.

(b) AUTHORIZATION OF APPROPRIATIONS FOR MEDICAL FACILITY LEASES.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2011 for the Medical Facilities account $47,338,000 for the leases authorized in section 901.

(c) LIMITATIONS.—The projects whose authorizations are modified under sections 902 and 903 may only be carried out using—

(1) funds appropriated for fiscal year 2011 pursuant to the authorization of appropriations in subsection (a) of this section;

(2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2011 that remain available for obligation;

(3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2011 that remain available for obligation;

(4) funds appropriated for Construction, Major Projects, for fiscal year 2011 for a category of activity not specific to a project;

(5) funds appropriated for Construction, Major Projects, for a fiscal year before 2011 for a category of activity not specific to a project; and

(6) funds appropriated for Construction, Major Projects, for a fiscal year after 2011 for a category of activity not specific to a project.

SEC. 905. REQUIREMENT THAT BID SAVINGS ON MAJOR MEDICAL FACILITY PROJECTS OF DEPARTMENT OF VETERANS AFFAIRS BE USED FOR OTHER MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS OF THE DEPARTMENT.

Section 8104(d) is amended—

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

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

''(2)(A) In any fiscal year, unobligated amounts in the Construction, Major Projects account that are a direct result of bid savings from a major medical facility project may only be obligated for major medical facility projects authorized for that fiscal year or a previous fiscal year.

''(B) Whenever the Secretary obligates amounts for a major medical facility under subparagraph (A), the Secretary shall submit to the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate and the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives notice of the following:

''(i) The major medical facility project that is the source of the bid savings.

''(ii) The other major medical facility project for which the amounts are being obligated.

''(iii) The amounts being obligated for such other major medical facility project.''.

TITLE X—OTHER MATTERS

SEC. 1001. TECHNICAL CORRECTIONS.

(a) CHAPTER 1.—The table of sections at the beginning of chapter 1 is amended by striking the item relating to section 118 and inserting the following new item:

''118. Submission of reports to Congress in electronic form.''.

(b) CHAPTER 11.—Section 1114(r)(2) is amended by striking ''$$2,983'' and inserting ''$2,983''.

(c) CHAPTER 17.—Chapter 17 is amended as follows:

(1) In each of subparagraphs (A) and (B) of section 1717(a)(2), by striking ''the date of the Caregivers and Veterans Omnibus Health Services Act of 2010'' each place it appears and inserting ''May 5, 2010''.

(2) In section 1785—

(A) by striking ''section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh-11(b))'' and inserting ''section 2812 of the Public Health Service Act (42 U.S.C. 300hh)''; and

(B) by striking ''paragraph (3)(A) of''.

(d) CHAPTER 19.—Chapter 19 is amended as follows:

(1) In the third sentence of section 1967(a)(3)(B), by striking ''spouse,,'' and inserting ''spouse,''.

(2) In the second sentence of section 1980A(h), by inserting ''section'' before ''1968(a)''.

(e) CHAPTER 20.—Section 2044(e)(3) is amended by striking ''fiscal year'' and inserting ''fiscal years''.

(f) CHAPTER 30.—The table of sections at the beginning of chapter 30 is amended by striking the item relating to section 3020 and inserting the following new item:

''3020. Authority to transfer unused education benefits to family members for career service members.''.

(g) CHAPTER 33.—Chapter 33 is amended as follows:

(1) In section 3313(c)(1), by striking ''higher education'' each place it appears and inserting ''higher learning''

(2) In section 3313(d)(3), by striking ''assistance this chapter'' and inserting ''assistance under this chapter''.

(3) In section 3313(e)(2)(B), by inserting a period at the end.

(4) In section 3316(b)(2), by striking ''supplement'' and inserting ''supplemental''.

(5) In section 3316(b)(3), by striking ''educational payable'' and inserting ''educational assistance payable''.

(6) In section 3318(b)(2)(B), by striking ''higher education'' and inserting ''higher learning''.

(7) In section 3319(b)(2), by striking ''section (k)'' and inserting ''subsection (j)''.

(8) In section 3321(b)(2), by striking ''3312'' and inserting ''section 3312 of this title''.

(h) CHAPTER 35.—Section 3512(a)(6) is amended by striking ''this clause'' and inserting ''this paragraph''.

(i) CHAPTER 36.—Section 3684(a)(1) is amended by striking '',,'' and inserting a comma.

(j) CHAPTER 37.—Section 3733(a)(7) is amended by inserting a comma after ''2003''.

(k) CHAPTER 41.—Section 4102A(b)(8) is amended by striking ''Employment and Training'' and inserting ''Employment, Training''.

(l) CHAPTER 55.—Chapter 55 is amended as follows:

(1) In section 5510, in the second sentence of the matter preceding paragraph (1) by striking ''following: —'' and inserting ''following:''.

(2) In section 5510(9), by striking ''government'' and inserting ''Government''.

(m) CHAPTER 57.—Chapter 57 is amended as follows:

(1) In section 5723(g)(2), by inserting ''the'' before ''Department''.

(2) In section 5727(20), by striking ''subordinate plan defines'' and inserting ''plan that defines''.

(n) CHAPTER 73.—Chapter 73 is amended as follows:

(1) The table of sections at the beginning of such chapter is amended by striking the item relating to section 7333 and inserting the following new item:

''7333. Nondiscrimination against alcohol and drug abusers and persons infected with the human immunodeficiency virus.''.

(2) In section 7325(b)(2), by striking ''section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh-11(b))'' and inserting ''section 2812 of the Public Health Service Act (42 U.S.C. 300hh-11)''.

(o) CHAPTER 79.—Section 7903(a) is amended by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(p) CHAPTER 81.—Chapter 81 is amended as follows:

(1) In section 8111A(a)(2)(B)(ii)—

(A) by striking ''section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh-11(b))'' and inserting ''section 2812 of the Public Health Service Act (42 U.S.C. 300hh)''; and

(B) by striking ''paragraph (3)(A) of''.

(2) In section 8117(e)—

(A) in paragraph (1), by striking ''(42 U.S.C. 300hh-11(b))'' and inserting ''(42 U.S.C. 300hh-11)''; and

(B) in paragraph (2), by striking ''(42 U.S.C. 247d-6(a))'' and inserting ''(42 U.S.C. 247d-6)''.

SEC. 1002. STATUTORY PAY-AS-YOU-GO ACT 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 Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4672. Mr. DURBIN (for Mr. AKAKA) proposed an amendment to the bill H.R. 3219, to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes; as follows:

Amend the title so as to read: ''An Act to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 28, 2010, at 10 a.m.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on September 28, 2010, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 28, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Do Private Long-Term Disability Policies Provide the Protection They Promise?''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on September 28, 2010, at 10 a.m. in room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 28, 2010, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Restoring Key Tools to Combat Fraud and Corruption After the Supreme Court's Skilling Decision.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BURRIS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 28, 2010 at 2:30 p.m.

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

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. BURRIS. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 28, 2010, at 10:30 a.m., in room 253 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND SECURITY

Mr. BURRIS. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 28, 2010, at 3 p.m., in room 253 of the Russell Senate Office Building.

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

STEM CELL THERAPEUTIC AND RESEARCH REAUTHORIZATION ACT OF 2010

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 587, S. 3751.

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

The assistant legislative clerk read as follows:

A bill (S. 3751) to amend the Stem Cell Therapeutic and Research Act of 2005.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stem Cell Therapeutic and Research Reauthorization Act of 2010''.

SEC. 2. AMENDMENTS TO THE STEM CELL THERAPEUTIC AND RESEARCH ACT OF 2005.

(a) CORD BLOOD INVENTORY.—Section 2 of the Stem Cell Therapeutic and Research Act of 2005 (42 U.S.C. 274k note) is amended—

(1) in subsection (a), by inserting ''the inventory goal of at least'' before ''150,000'';

(2) in subsection (c)—

(A) in paragraph (2), by striking ''or is transferred'' and all that follows through the period and inserting ''for a first-degree relative.''; and

(B) in paragraph (3), by striking ''150,000'';

(3) in subsection (d)—

(A) in paragraph (1), by inserting ''beginning on the last date on which the recipient of a contract under this section receives Federal funds under this section'' after ''10 years'';

(B) in paragraph (2), by striking ''; and'' and inserting '';'';

(C) by redesignating paragraph (3) as paragraph (5); and

(D) by inserting after paragraph (2) the following:

''(3) will provide a plan to increase cord blood unit collections at collection sites that exist at the time of application, assist with the establishment of new collection sites, or contract with new collection sites;

''(4) will annually provide to the Secretary a plan for, and demonstrate, ongoing measurable progress toward achieving self-sufficiency of cord blood unit collection and banking operations; and'';

(4) in subsection (e)—

(A) in paragraph (1)—

(i) by striking ''10 years'' and inserting ''a period of at least 10 years beginning on the last date on which the recipient of a contract under this section receives Federal funds under this section''; and

(ii) by striking the second sentence and inserting ''The Secretary shall ensure that no Federal funds shall be obligated under any such contract after the date that is 5 years after the date on which the contract is entered into, except as provided in paragraphs (2) and (3).'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''Subject to paragraph (1)(B), the'' and inserting ''The''; and

(II) by striking ''3'' and inserting ''5'';

(ii) in subparagraph (A) by striking ''150,000'' and all that follows through ''and'' at the end and inserting ''the inventory goal described in subsection (a) has not yet been met;'';

(iii) in subparagraph (B)—

(I) by inserting ''meeting the requirements under subsection (d)'' after ''receive an application for a contract under this section''; and

(II) by striking ''or the Secretary'' and all that follows through the period at the end and inserting ''; or''; and

(iv) by adding at the end the following:

''(C) the Secretary determines that the outstanding inventory need cannot be met by the qualified cord blood banks under contract under this section.''; and

(C) by striking paragraph (3) and inserting the following:

''(3) EXTENSION ELIGIBILITY.—A qualified cord blood bank shall be eligible for a 5-year extension of a contract awarded under this section, as described in paragraph (2), provided that the qualified cord blood bank—

''(A) demonstrates a superior ability to satisfy the requirements described in subsection (b) and achieves the overall goals for which the contract was awarded;

''(B) provides a plan for how the qualified cord blood bank will increase cord blood unit collections at collection sites that exist at the time of consideration for such extension of a contract, assist with the establishment of new collection sites, or contract with new collection sites; and

''(C) annually provides to the Secretary a plan for, and demonstrates, ongoing measurable progress toward achieving self-sufficiency of cord blood unit collection and banking operations.'';

(5) in subsection (g)(4), by striking ''or parent''; and

(6) in subsection (h)—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the program under this section $23,000,000 for each of fiscal years 2011 through 2014 and $20,000,000 for fiscal year 2015.'';

(B) by redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2), as so redesignated, by striking ''in each of fiscal years 2007 through

2009'' and inserting ''for each of fiscal years 2011 through 2015''.

(b) NATIONAL PROGRAM.—Section 379 of the Public Health Service Act (42 U.S.C. 274k) is amended—

(1) by striking subsection (a)(6) and inserting the following:

''(6) The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall submit to Congress an annual report on the activities carried out under this section.'';

(2) in subsection (d)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''With respect to cord blood, the Program shall—'' and inserting the following:

''(A) IN GENERAL.—With respect to cord blood, the Program shall—'';

(ii) by redesignating subparagraphs (A) through (H) as clauses (i) through (viii) respectively;

(iii) by striking clause (iv), as so redesignated, and inserting the following:

''(iv) support and expand new and existing studies and demonstration and outreach projects for the purpose of increasing cord blood unit donation and collection from a genetically diverse population and expanding the number of cord blood unit collection sites partnering with cord blood banks receiving a contract under the National Cord Blood Inventory program under section 2 of the Stem Cell Therapeutic and Research Act of 2005, including such studies and projects that focus on—

''(I) remote collection of cord blood units, consistent with the requirements under the Program and the National Cord Blood Inventory program goal described in section 2(a) of the Stem Cell Therapeutic and Research Act of 2005; and

''(II) exploring novel approaches or incentives to encourage innovative technological advances that could be used to collect cord blood units, consistent with the requirements under the Program and such National Cord Blood Inventory program goal;''; and

(iv) by adding at the end the following:

''(B) EFFORTS TO INCREASE COLLECTION OF HIGH QUALITY CORD BLOOD UNITS.—In carrying out subparagraph (A)(iv), not later than 1 year after the date of enactment of the Stem Cell Therapeutic and Research Reauthorization Act of 2010 and annually thereafter, the Secretary shall set an annual goal of increasing collections of high quality cord blood units, consistent with the inventory goal described in section 2(a) of the Stem Cell Therapeutic and Research Act of 2005 (referred to in this subparagraph as the 'inventory goal'), and shall identify at least one project under subparagraph (A)(iv) to replicate and expand nationwide, as appropriate. If the Secretary cannot identify a project as described in the preceding sentence, the Secretary shall submit a plan, not later than 180 days after the date on which the Secretary was required to identify such a project, to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives for expanding remote collection of high quality cord blood units, consistent with the requirements under the National Cord Blood Inventory program under section 2 of the Stem Cell Therapeutic and Research Act of 2005 and the inventory goal. Each such plan shall be made available to the public.

''(C) DEFINITION.—In this paragraph, the term 'remote collection' means the collection of cord blood units at locations that do not have written contracts with cord blood banks for collection support.''; and

(B) in paragraph (3)(A), by striking ''(2)(A)'' and inserting ''(2)(A)(i)''; and

(3) by striking subsection (f)(5)(A) and inserting the following:

''(A) require the establishment of a system of strict confidentiality to protect the identity and privacy of patients and donors in accordance with Federal and State law; and''.

(c) ADDITIONAL REPORTS.—

(1) INTERIM REPORT.—In addition to the annual report required under section 379(a)(6) of the Public Health Service Act (42 U.S.C. 274k(a)(6)), the Secretary of Health and Human Services (referred to in this subsection as the ''Secretary''), in consultation with the Advisory Council established under such section 379, shall submit to Congress an interim report not later than 180 days after the date of enactment of this Act describing—

(A) the methods to distribute Federal funds to cord blood banks used at the time of submission of the report;

(B) how cord blood banks contract with collection sites for the collection of cord blood units; and

(C) recommendations for improving the methods to distribute Federal funds described in subparagraph (A) in order to encourage the efficient collection of high-quality and diverse cord blood units.

(2) RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Advisory Council shall submit recommendations to the Secretary with respect to—

(A) whether models for remote collection of cord blood units should be allowed only with limited, scientifically-justified safety protections; and

(B) whether the Secretary should allow for cord blood unit collection from routine deliveries without temperature or humidity monitoring of delivery rooms in hospitals approved by the Joint Commission.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 379B of the Public Health Service Act (42 U.S.C. 274m) is amended by striking ''$34,000,000'' and all that follows through the period at the end, and inserting ''$30,000,000 for each of fiscal years 2011 through 2014 and $33,000,000 for fiscal year 2015.''.

(e) REPORT ON CORD BLOOD UNIT DONATION AND COLLECTION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, and the Secretary of Health and Human Services a report reviewing studies, demonstration programs, and outreach efforts for the purpose of increasing cord blood unit donation and collection for the National Cord Blood Inventory to ensure a high-quality and genetically diverse inventory of cord blood units.

(2) CONTENTS.—The report described in paragraph (1) shall include a review of such studies, demonstration programs, and outreach efforts under section 2 of the Stem Cell Therapeutic and Research Act of 2005 (42 U.S.C. 274k note) (as amended by this Act) and section 379 of the Public Health Service Act (42 U.S.C. 274k) (as amended by this Act), including—

(A) a description of the challenges and barriers to expanding the number of cord blood unit collection sites, including cost, the cash flow requirements and operations of awarding contracts, the methods by which funds are distributed through contracts, the impact of regulatory and administrative requirements, and the capacity of cord blood banks to maintain high-quality units;

(B) remote collection or other innovative technological advances that could be used to collect cord blood units;

(C) appropriate methods for improving provider education about collecting cord blood units for the national inventory and participation in such collection activities;

(D) estimates of the number of cord blood unit collection sites necessary to meet the outstanding national inventory need and the characteristics of such collection sites that would help increase the genetic diversity and enhance the quality of cord blood units collected;

(E) best practices for establishing and sustaining partnerships for cord blood unit collection at medical facilities with a high number of minority births;

(F) potential and proven incentives to encourage hospitals to become cord blood unit collection sites and partner with cord blood banks participating in the National Cord Blood Inventory under section 2 of the Stem Cell Therapeutic and Research Act of 2005 and to assist cord blood banks in expanding the number of cord blood unit collection sites with which such cord blood banks partner;

(G) recommendations about methods cord blood banks and collection sites could use to lower costs and improve efficiency of cord blood unit collection without decreasing the quality of the cord blood units collected; and

(H) a description of the methods used prior to the date of enactment of this Act to distribute funds to cord blood banks and recommendations for how to improve such methods to encourage the efficient collection of high-quality and diverse cord blood units, consistent with the requirements of the C.W. Bill Young Cell Transplantation Program and the National Cord Blood Inventory program under section 2 of the Stem Cell Therapeutic and Research Act of 2005.

(f) DEFINITION.—In this Act, the term ''remote collection'' has the meaning given such term in section 379(d)(2)(C) of the Public Health Service Act.

Mr. REED. Mr. President, today the Senate passed the Stem Cell Therapeutic and Research Reauthorization Act of 2010. I was pleased to have been involved in the crafting of this bill, which is the product of months of bipartisan discussions, collaboration, and negotiation. I also want to recognize the hard work and dedication of Senators DODD, HATCH, BURR, and ENSIGN in getting this bill across the finish line in the Senate.

This bill offers promise to the tens of thousands of individuals diagnosed with leukemia and lymphomas, sickle cell anemia, and rare genetic blood disorders.

It will reauthorize the C.W. Bill Young National Marrow Donor Program, which has been helping to connect individuals in need of a bone marrow transplant with donors since 1986, and the National Cord Blood Inventory, which has been helping to connect individuals in need of an umbilical cord blood transplant with donors since 1999.

I am particularly pleased that the bill will remove a cap on the number of cord blood units that could be stored by qualified cord blood banks in the National Cord Blood Inventory. The original law limited the number to 150,000 units. As the science has evolved, we know that 150,000 is nowhere near the amount necessary to meet the demands of those in need of a cord blood transplant. And, in eliminating this cap, I am pleased that we

have included provisions to encourage greater cord blood donation and collection as well as provisions to help shed light onto the obstacles to greater donation and collection.

I am proud that the Rhode Island Blood Center has contributed to the success of the National Marrow Donor Program with over 61,000 registered marrow donors. In addition, last year a new partnership formed between the Rhode Island Blood Bank and Women and Infants Hospital in Providence, RI, to begin collecting umbilical cord blood units as part of a pilot project. Over 1,000 units have already been collected, and I look forward to the time when Rhode Island will be contributing to the National Cord Blood Inventory.

The public registries made up of Rhode Island donors and those from all over the country have been a true lifeline for the Americans who have found an unrelated match. By strengthening and enhancing the important programs operating these registries, many more Americans will be afforded the opportunity to find a match if they are ever in need.

I look forward to swift passage of this legislation in the House of Representatives and the President signing this bill into law shortly thereafter.

Mr. HATCH. Mr. President, I am pleased that the Senate is considering S. 3751, the Stem Cell Therapeutic and Research Reauthorization Act of 2010 which reauthorizes the Stem Cell Therapeutic and Research Act of 2005—P.L. 109–129—through the end of 2015. I am also grateful that Senators DODD, BURR, REED, ENSIGN, FRANKEN and COBURN have joined me as sponsors of this bipartisan bill, which was unanimously approved by the Senate Committee on Health, Education, Labor and Pensions and the House Energy and Commerce Committee last week.

S. 3751, the Stem Cell Therapeutic and Research Reauthorization Act, reauthorizes the C.W. Bill Young Cell Transplantation Program—the Program—and the National Cord Blood Inventory program—NCBI. These programs maintain donor registries for individuals in need of bone marrow and umbilical cord blood transplants. Today, more than eight million Americans are registered bone marrow donors, and in the 5 years since NCBI was established, more than 28,600 cord blood units have been collected. Cord blood transplantation accounts for over 40 percent of all transplants in the country.

I believe it is important for Senators to understand the specifics of S. 3751. Our bill reauthorizes the program through the end of Fiscal Year 2015. The authorization levels for the Program are $30 million from FY11 through FY14 and $33 million in FY15. The NCBI authorization levels are $23 million from FY11 through FY14 and $20 million in FY15. The total authorization level for both programs combined is $53 million annually, which is the same authorization level included in the Stem Cell Therapeutic and Research Act of 2005.

Our bill calls for the collection and maintenance of at least 150,000 high-quality cord blood units. In order to collect high-quality and diverse units, the Health Resources and Services Administration—HRSA—contracts with cord blood banks to collect and maintain umbilical cord blood units for the national inventory. To achieve the goal of collecting at least 150,000 units, S. 3751 requires cord blood banks to provide a strategic plan to increase collection, assist with the creation of new collection sites, or contract with new collection sites when first applying for a contract or extending an existing contract. S. 3751 also requires cord blood banks to submit an annual plan for achieving self-sufficiency and demonstrates on-going measurable progress toward achieving self-sufficiency of cord blood collection and banking operations. The bill also extends the duration of a contract from 3 to 5 years and allows cord blood units to remain part of the national inventory for at least 10 years.

Additionally, S. 3751 redefines the term ''first-degree relative'' as a sibling of an individual requiring a transplant. Children are not a match for parents in need of a cord blood transplant, as the original law suggested. The bill also aligns the privacy protections provided to bone marrow donors and patients with umbilical cord blood donors and transplant patients.

The legislation encourages the Program to support studies and demonstration projects to increase cord blood donation and collection. More specifically, S. 3751 directs the Secretary of Health and Human Services—HHS, acting though the HRSA Administrator, to submit to Congress an annual report on the National Program's activities including novel approaches for increasing cord blood unit donation and collection. The HHS Secretary also is directed to set an annual goal of increasing collections of high-quality and diverse cord blood units through remote collection or other approaches. In addition, S. 3751 directs the HHS Secretary to identify at least one of these approaches to replicate and expand across the country. If a project is not identified, the HHS Secretary shall submit a plan for expanding remote collection of high-quality and diverse cord blood units.

S. 3751 requires the HHS Secretary, in consultation with the Advisory Council, to submit to Congress an interim report within 6 months after enactment, describing existing methods used to distribute Federal funds to cord blood banks. The report also would explain how cord blood banks contract with cord blood unit collection sites and recommend how these methods may be improved in order to encourage efficient collection of high-quality and diverse cord blood units.

Our legislation also requires the Advisory Council to submit recommendations to the HHS Secretary 1 year after enactment on whether remote models for cord blood unit collection should be allowed with only limited, scientifically justified safety protections. The Advisory Council would also make recommendations on whether HHS should allow for cord blood unit collection from routine deliveries without temperature or humidity monitoring of delivery rooms in hospitals approved by the Joint Commission.

Finally, S. 3751 requires the Government Accountability Office—GAO—to study existing cord blood donation and collection methods and the barriers responsible for limiting donation and collection. GAO also would analyze the methods used to distribute funds to cord blood banks and novel approaches to grow the NCBI.

S. 3751 proves that contrary to popular belief, bipartisanship still exists in the United States Congress. The original Stem Cell Therapeutic and Research Act passed Congress unanimously and became law—P.L 109–129—on December 20, 2005. This law offered a unique opportunity to assist those suffering from a serious illness requiring cord blood or bone marrow transplants. In 2005, our goal was to increase the number of bone marrow and cord blood donors to meet our goal of 150,000 high-quality and diverse cord blood units. Today, our goal remains the same except we are encouraging the collection of at least 150,000 units. The sponsors of this legislation want to do everything in our power to provide patients with the best transplant options and signing this legislation into law is how we achieve this second goal. Transplant patients and their families deserve nothing less.

S. 3751 is supported by the following organizations: American Society of Bone Marrow Transplant, Aplastic Anemia and MDS Society, Center for International Blood and Marrow Transplantation, Colorado Cord Blood Bank, Duke University Cord Blood Bank, Intermountain Primary Children's Hospital, Jeff Gordon Foundation, Leukemia and Lymphoma Foundation, LifeCord Cord Blood Bank, National Marrow Donor Program, Nevada Cancer Institute, New Jersey Cord Blood Bank, New York Blood Center Cord Blood Bank, Rhode Island Blood Center, St. Louis Cord Blood Bank, StemCyte International Cord Blood Bank, University of Utah's Cell Therapy Facility, Villanova football head coach Andy Talley, and Yale University Hospital.

Finally, I ask unanimous consent to have printed in the RECORD the section by section analysis of S. 3751.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 1. SHORT TITLE

Stem Cell Therapeutic and Research Reauthorization Act of 2010.

SEC. 2. AMENDMENTS TO THE STEM CELL THERAPEUTIC AND RESEARCH ACT OF 2005

(a) Instructs the Secretary of Health and Human Services (HHS) to enter into contracts with qualified cord blood banks in order to create and maintain a national inventory of at least 150,000 new high quality cord blood units suitable for transplantation into unrelated recipients. The 2005 law authorized a 3-year demonstration project to collect umbilical cord blood units specifically for use in a first-degree relative. The law instructed these units to be combined with the national inventory at the end of the 3-year demo. Since the FDA follows different collection and storage requirements for cord blood units intended for use in a first-degree relative and a stranger, the substitute amendment eliminates this instruction and requires the units collected for the demonstration program only be stored for use in a first-degree relative.

Includes additional requirements for entities applying to be qualified cord blood banks. First, the entity must provide a plan to increase cord blood unit collections at collection sites that exist at the time of application, assist with the establishment of new collection sites or contract with new collection sites. Second, contract recipients must annually provide to the HHS Secretary a plan for and demonstrate ongoing, measurable progress toward achieving self-sufficiency of cord blood collection and banking operations.

Extends the length of a cord blood bank contract from three years to five years. A five year extension of cord blood contracts will be permitted if such entities: (1) demonstrate a superior ability to satisfy the requirements included in the original statute to be federal cord blood banks; (2) provide a plan for increasing cord blood unit collections at collection sites that exist at the time of consideration of such extension, assist with the establishment of new collection sites, or contract with new collection sites; and (3) annually provide to the HHS Secretary a plan for and demonstrate ongoing, measurable progress toward achieving self-sufficiency of cord blood collection and banking operations.

Redefines the term, ''first-degree relative'' as a sibling of the individual requiring a transplant. Authorizes appropriations for the National Cord Blood Inventory Program (NCBI) at $23 million in fiscal years 2011–2014 and $20 million in fiscal year 2015. The substitute amendment eliminates language in the law which allows funds to remain available until expended since this is overridden by long-standing policy in appropriations bills. The statutory language was originally necessary because the 2005 authorization law passed after funds had been appropriated.

(b) Clarifies that the C.W. Bill Young Cell Transplantation Program, known as the Program, shall support studies and outreach projects to increase cord collection donation and collection from a genetically diverse population, including exploring novel approaches or incentives, such as remote or other innovative technological advances that could be used to collect cord blood units, to expand the number of cord blood collection sites partnering with cord blood banks that receive a contract under the NCBI program.

Directs the Secretary, acting though the Administrator of the Health Resources and Services Administration, to submit to Congress an annual report on activities conducted through the National Program including novel approaches for the purpose of increasing cord blood unit donation and collection. Directs the Secretary to set an annual goal of increasing collections of high quality cord blood units through remote collection or other novel approaches. The Secretary shall identify at least one of these approaches to replicate and expand nationwide as appropriate. If such a project cannot be identified by the Secretary, then the Secretary shall submit a plan for expanding remote collection of high quality cord blood units. Remote collection is defined as cord blood unit collections occurring at locations that do not hold written contracts with existing cord blood banks for collection support.

Requires the Secretary, in consultation with the Advisory Council, to submit to Congress an interim report not later than 6 months after date of enactment, describing the existing methods used to distribute federal funds to cord blood banks; how cord blood banks contract with collection sites for the collection of cord blood units; and recommendations to improve these methods to encourage the efficient collection of high quality and diverse cord blood units.

Requires the Advisory Council shall submit recommendations to the Secretary one year after enactment about whether:

1. remote models for cord blood unit collection should be allowed with only limited, scientifically justified safety protections; and

2. HHS should allow for cord blood unit collection from routine deliveries without temperature or humidity monitoring of delivery rooms in hospitals approved by the Joint Commission.

Authorizes appropriations for the C.W. Bill Young Cell Transplantation Program (the Program) at $30 million in fiscal years 2011–2014 and $33 million in fiscal year 2015. The substitute amendment eliminates language in the law which allows funds to remain available until expended since this is overridden by long-standing policy in appropriations bills. The statutory language was originally necessary because the 2005 authorization law passed after funds had been appropriated.

Directs the Government Accountability Office (GAO) to submit a report on cord blood unit donation and collection as well as methods used to distribute funds to cord blood banks no later than one year after enactment. The report shall be submitted to the Senate Committee on Health, Education, Labor and Pensions, the Senate Committee on Appropriations, the House Energy and Commerce Committee and the House Committee on Appropriations.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

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

The bill (S. 3751), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

VIETNAM VETERANS MEMORIAL VISITOR CENTER

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 406, H.R. 3689.

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

The assistant legislative clerk read as follows:

A bill (H.R. 3689) to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center, and for other purposes.

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

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

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

The bill (H.R. 3689) was ordered to a third reading, was read the third time, and passed.

PREVENTION OF INTERSTATE COMMERCE IN ANIMAL CRUSH VIDEOS ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Judiciary be discharged from further consideration of H.R. 5566, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5566) to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes.

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

Mr. LEAHY. Mr. President, I am pleased that the Senate will pass the Animal Crush Video Prohibition Act. In doing so, we have taken this important step toward banning obscene animal crush videos, and I thank Senators KYL, MERKLEY and BURR for their leadership on this issue. We worked on a bipartisan basis to ensure that this legislation respects the first amendment and the role of our court system, while at the same time giving law enforcement a valuable and necessary tool to stop obscene animal cruelty. I urge the House to quickly adopt the legislation.

Earlier this year, in United States v. Stevens, the Supreme Court struck down a Federal statute banning depictions of animal cruelty because it held the statute to be overbroad and in violation of the first amendment. Animal crush videos, which can depict obscene, extreme acts of animal cruelty, were a primary target of that legislation.

Two months ago, in response to the Stevens decision, the House overwhelmingly passed a narrower bill banning animal crush videos on obscenity grounds. The Senate Judiciary Committee regularly looks at questions raised by Supreme Court decisions and the first amendment, and the House-passed bill was referred to the Senate Judiciary Committee for consideration.

There are a few well-established exceptions to the first amendment. The United States has long prohibited the interstate sale of obscene materials, and the Supreme Court recognized this exception to the first amendment in 1957. Earlier this month, the Judiciary Committee held a hearing focused on the obscene nature of many animal crush videos. We heard testimony from experts who confirmed that many animal crush videos depict extreme acts of animal cruelty which are designed to appeal to a specific, prurient, sexual fetish. Indeed, these animal crush videos are patently offensive, lack any redeeming social value, and can be banned consistent with the Supreme Court's obscenity jurisprudence. In drafting the substitute amendment to the House bill, we were careful to respect the role that courts and juries play in determining obscenity. In any given case, it will be up to the prosecutor to prove and the jury to determine whether a given depiction is obscene, because obscenity is a separate element of the crime. The other element that occurs in animal crush videos and which warrants a higher punishment than simple obscenity is that it involves the intentional torture or pain to a living animal. Congress finds this combination deplorable and worthy of special punishment. That is why the maximum penalty is higher than general obscenity law.

The United States also has a history of prohibiting speech that is integral to criminal conduct. The acts of animal cruelty depicted in many animal crush videos violate State laws, but these laws are hard to enforce. The acts of cruelty are often committed in a clandestine manner that allows the perpetrators to remain anonymous. The nature of the videos also makes it extraordinarily difficult to establish the jurisdiction necessary to prosecute the crimes. Given the severe difficulties that State law enforcement agencies have encountered in attempting to investigate and prosecute the underlying conduct, reaffirming Congress's commitment to closing the distribution network for obscene animal crush videos is an effective means of combating the crimes of extreme animal cruelty that they depict.

I have long been a champion of first amendment rights. As the son of Vermont printers, I know firsthand that the freedom of speech is the cornerstone of our democracy. This is why I have worked hard to pass legislation such as the SPEECH Act, which protects American authors, journalists and publishers from foreign libel lawsuits that undermine the first amendment.

Today the Senate struck the right balance between the first amendment and the needs of law enforcement, while adhering to the separation of powers enshrined in our Constitution. I commend the bipartisan coalition that worked hard, alongside the Humane Society and first amendment experts, to strike this balance, and I look forward to the time when obscene animal crush videos no longer threaten animal welfare.

Mr. DURBIN. Mr. President, I ask unanimous consent the substitute at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements related to the measure be printed in the RECORD.

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

The amendment (No. 4668) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Animal Crush Video Prohibition Act of 2010''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The United States has a long history of prohibiting the interstate sale, marketing, advertising, exchange, and distribution of obscene material and speech that is integral to criminal conduct.

(2) The Federal Government and the States have a compelling interest in preventing intentional acts of extreme animal cruelty.

(3) Each of the several States and the District of Columbia criminalize intentional acts of extreme animal cruelty, such as the intentional crushing, burning, drowning, suffocating, or impaling of animals for no socially redeeming purpose.

(4) There are certain extreme acts of animal cruelty that appeal to a specific sexual fetish. These acts of extreme animal cruelty are videotaped, and the resulting video tapes are commonly referred to as ''animal crush videos''.

(5) The Supreme Court of the United States has long held that obscenity is an exception to speech protected under the First Amendment to the Constitution of the United States.

(6) In the judgment of Congress, many animal crush videos are obscene in the sense that the depictions, taken as a whole—

(A) appeal to the prurient interest in sex;

(B) are patently offensive; and

(C) lack serious literary, artistic, political, or scientific value.

(7) Serious criminal acts of extreme animal cruelty are integral to the creation, sale, distribution, advertising, marketing, and exchange of animal crush videos.

(8) The creation, sale, distribution, advertising, marketing, and exchange of animal crush videos is intrinsically related and integral to creating an incentive for, directly causing, and perpetuating demand for the serious acts of extreme animal cruelty the videos depict. The primary reason for those criminal acts is the creation, sale, distribution, advertising, marketing, and exchange of the animal crush video image.

(9) The serious acts of extreme animal cruelty necessary to make animal crush videos are committed in a clandestine manner that—

(A) allows the perpetrators of such crimes to remain anonymous;

(B) makes it extraordinarily difficult to establish the jurisdiction within which the underlying criminal acts of extreme animal cruelty occurred; and

(C) often precludes proof that the criminal acts occurred within the statute of limitations.

(10) Each of the difficulties described in paragraph (9) seriously frustrates and impedes the ability of State authorities to enforce the criminal statutes prohibiting such behavior.

SEC. 3. ANIMAL CRUSH VIDEOS.

(a) IN GENERAL.—Section 48 of title 18, United States Code, is amended to read as follows:

''§ 48. Animal crush videos

''(a) DEFINITION.—In this section the term 'animal crush video' means any photograph, motion-picture film, video or digital recording, or electronic image that—

''(1) depicts actual conduct in which 1 or more living non-human mammals, birds, reptiles, or amphibians is intentionally crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury (as defined in section 1365 and including conduct that, if committed against a person and in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242); and

''(2) is obscene.

''(b) PROHIBITIONS.—

''(1) CREATION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly create an animal crush video, or to attempt or conspire to do so, if—

''(A) the person intends or has reason to know that the animal crush video will be distributed in, or using a means or facility of, interstate or foreign commerce; or

''(B) the animal crush video is distributed in, or using a means or facility of, interstate or foreign commerce.

''(2) DISTRIBUTION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly sell, market, advertise, exchange, or distribute an animal crush video in, or using a means or facility of, interstate or foreign commerce, or to attempt or conspire to do so.

''(c) EXTRATERRITORIAL APPLICATION.—Subsection (b) shall apply to the knowing sale, marketing, advertising, exchange, distribution, or creation of an animal crush video outside of the United States, or any attempt or conspiracy to do so, if—

''(1) the person engaging in such conduct intends or has reason to know that the animal crush video will be transported into the United States or its territories or possessions; or

''(2) the animal crush video is transported into the United States or its territories or possessions.''

''(d) PENALTY.—Any person who violates subsection (b) shall be fined under this title, imprisoned for not more than 7 years, or both.

''(e) EXCEPTIONS.—

''(1) IN GENERAL.—This section shall not apply with regard to any visual depiction of—

''(A) customary and normal veterinary or agricultural husbandry practices;

''(B) the slaughter of animals for food; or

''(C) hunting, trapping, or fishing.

''(2) GOOD-FAITH DISTRIBUTION.—This section shall not apply to the good-faith distribution of an animal crush video to—

''(A) a law enforcement agency; or

''(B) a third party for the sole purpose of analysis to determine if referral to a law enforcement agency is appropriate.

''(f) NO PREEMPTION.—Nothing in this section shall be construed to preempt the law of any State or local subdivision thereof to protect animals.''.

(b) CLERICAL AMENDMENT.—The item relating to section 48 in the table of sections for chapter 3 of title 18, United States Code, is amended to read as follows:

''48. Animal crush videos.''.

(c) SEVERABILITY.—If any provision of section 48 of title 18, United States Code (as amended by this section), or the application of the provision to any person or circumstance, is held to be unconstitutional, the provision and the application of the provision to other persons or circumstances shall not be affected thereby.

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

The bill (H.R. 5566), as amended, was read the third time and passed.

ANTI-BORDER CORRUPTION ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to Calendar No. 619, S. 3243.

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

The assistant legislative clerk read as follows:

A bill (S. 3243) to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to complete all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment.

[Omit the part in boldface brackets]

S. 3243

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 ''Anti-Border Corruption Act of 2010''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Office of the Inspector General of the Department of Homeland Security, since 2003, 129 U.S. Customs and Border Protection officials have been arrested on corruption charges and, during 2009, 576 investigations were opened on allegations of improper conduct by U.S. Customs and Border Protection officials.

(2) To foster integrity in the workplace, established policy of U.S. Customs and Border Protection calls for—

(A) all job applicants for law enforcement positions at U.S. Customs and Border Protection to receive a polygraph examination and a background investigation before being offered employment; and

(B) relevant employees to receive a periodic background reinvestigation every 5 years.

(3) According to the Office of Internal Affairs of U.S. Customs and Border Protection—

(A) in 2009, less than 15 percent of applicants for jobs with U.S. Customs and Border Protection received polygraph examinations;

(B) as of March 2010, U.S. Customs and Border Protection had a backlog of approximately 10,000 periodic background reinvestigations of existing employees; and

(C) without additional resources, by the end of fiscal year 2010, the backlog of periodic background reinvestigations will increase to approximately 19,000.

SEC. 3. REQUIREMENTS WITH RESPECT TO ADMINISTERING POLYGRAPH EXAMINATIONS TO LAW ENFORCEMENT PERSONNEL OF U.S. CUSTOMS AND BORDER PROTECTION.

The Secretary of Homeland Security shall ensure that—

(1) by not later than 2 years after the date of the enactment of this Act, all applicants for law enforcement positions with U.S. Customs and Border Protection receive polygraph examinations before being hired for such a position; and

(2) by not later than 180 days after the date of the enactment of this Act, U.S. Customs and Border Protection initiates [or completes] all periodic background reinvestigations for all law enforcement personnel of U.S. Customs and Border Protection that should receive periodic background reinvestigations pursuant to relevant policies of U.S. Customs and Border Protection in effect on the day before the date of the enactment of this Act.

SEC. 4. PROGRESS REPORT.

Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter through the date that is 2 years after such date of enactment, the Secretary of Homeland Security shall 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 report on the progress made by U.S. Customs and Border Protection toward complying with section 3.

Amend the title so as to read: ''To require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.''.

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the committee-reported title amendment be agreed to, the motions to reconsider be laid upon the table, without intervening action or debate, and any statements related to the measure be printed in the RECORD.

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

The committee amendment was agreed to.

The bill (S. 3243) was ordered to be engrossed for a third reading, was read the third time, and passed.

The title amendment was agreed to, as follows:

A bill to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.

SOCIAL SECURITY NUMBER PROTECTION ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that the Finance Committee be discharged from S. 3789 and the Senate proceed to its immediate consideration.

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

The assistant legislative clerk read as follows:

A bill (S. 3789) to limit access to social security account numbers.

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

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

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

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

S. 3789

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 ''Social Security Number Protection Act of 2010''.

SEC. 2. SOCIAL SECURITY NUMBER PROTECTION.

(a) PROHIBITION OF USE OF SOCIAL SECURITY ACCOUNT NUMBERS ON CHECKS ISSUED FOR PAYMENT BY GOVERNMENTAL AGENCIES.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following:

''(x) No Federal, State, or local agency may display the Social Security account number of any individual, or any derivative of such number, on any check issued for any payment by the Federal, State, or local agency.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to checks issued after the date that is 3 years after the date of enactment of this Act.

(b) PROHIBITION OF INMATE ACCESS TO SOCIAL SECURITY ACCOUNT NUMBERS.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by subsection (a)) is amended by adding at the end the following:

''(xi) No Federal, State, or local agency may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the Social Security account numbers of other individuals. For purposes of this clause, the term 'prisoner' means an individual confined in a jail, prison, or other penal institution or correctional facility

pursuant to such individual's conviction of a criminal offense.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to employment of prisoners, or entry into contract with prisoners, after the date that is 1 year after the date of enactment of this Act.

CLARIFYING AUTHORITY OF THE SECRETARY OF THE INTERIOR

Mr. DURBIN. I ask unanimous consent that the Energy Committee be discharged from H.R. 3940, and the Senate then proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3940) to amend Public Law 96–597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for people of the non-self-governing territories of the United States.

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

Mr. DURBIN. I ask unanimous consent that the Bingaman substitute amendment, which is at the desk, be considered and agreed to; the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table; that the title amendment at the desk be considered and agreed to; and that any statements relating to the measure be printed in the RECORD.

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

The amendment (No. 4669) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SENSE OF CONGRESS REGARDING POLITICAL STATUS EDUCATION IN GUAM.

It is the sense of Congress that the Secretary of the Interior may provide technical assistance to the Government of Guam under section 601(a) of the Act entitled ''An Act to authorize appropriations for certain insular areas of the United States, and for other purposes'', approved December 24, 1980 (48 U.S.C. 1469d(a)), for public education regarding political status options only if the political status options are consistent with the Constitution of the United States.

SEC. 2. MINIMUM WAGE IN AMERICAN SAMOA AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) DELAYED EFFECTIVE DATE.—Section 8103(b) of the Fair Minimum Wage Act of 2007 (29 U.S.C. 206 note) (as amended by section 520 of division D of Public Law 111–117) is amended—

(1) in paragraph (1)(B), by inserting ''(except 2011 when there shall be no increase)'' after ''thereafter'' the second place it appears; and

(2) in paragraph (2)(C), by striking ''except that, beginning in 2010'' and inserting ''except that there shall be no such increase in 2010 or 2011 and, beginning in 2012''.

(b) GAO REPORT.—Section 8104 of such Act (as amended) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) REPORT.—The Government Accountability Office shall assess the impact of minimum wage increases that have occurred pursuant to section 8103, and not later than September 1, 2011, shall transmit to Congress a report of its findings. The Government Accountability Office shall submit subsequent reports not later than April 1, 2013, and every 2 years thereafter until the minimum wage in the respective territory meets the federal minimum wage.''; and

(2) by redesignating subsection (c) as subsection (b).

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

The bill (H.R. 3940), as amended, was read the third time and passed.

The amendment (No. 4670) was agreed to, as follows:

Amend the title so as to read: ''To clarify the availability of existing funds for political status education in the Territory of Guam, and for other purposes.''.

FIVE-STAR GENERALS COMMEMORATIVE COIN ACT

Mr. DURBIN. I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 1177, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1177) to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army 5-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College, and so forth.

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

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

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

The bill (H.R. 1177) was ordered to be read a third time, was read the third time, and passed.

VETERANS' INSURANCE AND HEALTH CARE IMPROVEMENTS ACT

Mr. DURBIN. I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 3219, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3219) to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes.

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

Mr. AKAKA. Mr. President, I am pleased that the Senate is acting on H.R. 3219, the proposed ''Veterans' Benefits Act of 2010.'' The bill, as it comes before the Senate, is a compromise agreement developed with our counterparts on the House Committee on Veterans' Affairs. I thank Chairman FILNER and Ranking Member BUYER of the House Committee for their cooperation on this legislation. I also thank my good friend, the committee's ranking member, Senator BURR, for his cooperation as we have developed this bill. A full explanation of the Senate and House negotiated agreement can be found in the Joint Explanatory Statement, which I will ask be printed in the RECORD at the conclusion of my remarks.

The amended bill, which I will refer to as the ''compromise agreement,'' contains ten titles that are designed to enhance compensation, housing, labor and education, burial, and insurance benefits for veterans. I will highlight a few of the provisions.

The compromise agreement would make several important improvements in insurance programs for disabled veterans. It would increase the maximum amount of veterans' mortgage life insurance that a service-connected disabled veteran may purchase from the current maximum of $90,000 up to $200,000. In the event of the veteran's death, the veteran's family would be protected because VA will pay the balance of the mortgage owed up to the maximum amount of insurance purchased. The need for this increase is obvious in today's housing market.

In addition, this legislation would increase the amount of supplemental life insurance available to totally disabled veterans from $20,000 to $30,000. Many totally disabled veterans find it difficult to obtain commercial life insurance. This legislation would provide these veterans with a reasonable amount of life insurance coverage.

This benefits package also includes a provision that will expand eligibility for retroactive benefits from traumatic injury protection coverage under the Servicemembers' Group Life Insurance program, commonly referred to as TSGLI. Section 1032 of Public Law 109–13, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief,

2005, established traumatic injury protection under the SGLI program. TSGLI went into effect on December 1, 2005. Therefore, all insured servicemembers under SGLI from that point forward are also insured under TSGLI and their injuries are covered regardless of where they occur. In order to provide assistance to those servicemembers who suffered traumatic injuries on or between October 7, 2001, and November 30, 2005, retroactive TSGLI payments were authorized under section 1032(c) of the Supplemental Appropriations Act to individuals whose qualifying losses were sustained ''as a direct result of injuries incurred in Operation Enduring Freedom or Operation Iraqi Freedom.'' Under section 501(b) of Public Law 109–233, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006, this definition was amended to allow retroactive payments to individuals whose qualifying losses were sustained ''as a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom and Operation Iraqi Freedom.''

However, without corrective action, men and women who were traumatically injured on or between October 7, 2001, and November 30, 2005, but were not in the OIF or OEF theaters of operation, will continue to be denied the same retroactive payment given to their wounded comrades. This legislation would correct that inequity.

This bill also modifies programs that provide adaptive assistance to veterans. It would increase and provide an index for an existing VA grant program, which provides funds to assist severely disabled veterans in purchasing automobiles or other conveyances that can accommodate their disabilities. The increase to $18,900 would help prevent erosion of the value and effectiveness of this benefit.

Another provision included in this bill would expand this grant program to provide automobile and adaptive equipment assistance to disabled veterans and servicemembers with severe burn injuries. Due to the severe damage done to their skin, individuals with these disabilities experience difficulty operating a standard automobile not equipped to accommodate their disabilities. This legislation would help them obtain vehicles with special adaptations for assistance in and out of the vehicle, seat comfort, and climate control.

Another key part of this legislation is a provision to help homeless women veterans and homeless veterans with children. The majority of programs and service providers currently available to homeless veterans have historically been designed to assist male veterans. However, due to the increasing number of women serving in the Armed Forces, more than 5 percent of veterans requesting assistance from VA and community-based homeless veteran service providers are women. More than 10 percent of these women have dependent children. In addition, there are reports of a significant number of male homeless veterans who have dependent children as well. To meet these changing needs of our Nation's veterans and correct this inequity, this bill will establish a grant program for the reintegration of homeless women veterans and homeless veterans with children into the labor force.

This bill would also increase to 2,700 the number of veterans who are authorized to enroll annually in a program of independent living services. This important program is designed to meet the needs of the most severely service-connected disabled veterans and more of those returning from combat have suffered the kind of devastating injuries that may make employment not reasonably feasible for extended periods of time.

This is not a comprehensive recitation of all the provisions within this legislation. However, I hope that I have provided an appropriate overview of the major benefits this legislation would provide for America's veterans and servicemembers. I urge our colleagues to support this important legislation that would benefit many of this Nation's more than 23 million veterans and their families. I also urge the House of Representatives to work on this matter expeditiously so that this may be sent to the President for his signature.

Mr. President, I ask unanimous consent that the Joint Explanatory Statement, which was developed with our colleagues in the House, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT EXPLANATORY STATEMENT FOR H.R. 3219, AS AMENDED

H.R. 3219, as amended, the Veterans' Benefits Act of 2010, reflects a Compromise Agreement reached by the House and Senate Committees on Veterans' Affairs (the Committees) on the following bills reported during the 111th Congress: H.R. 174; H.R. 466, as amended; H.R. 1037, as amended; H.R. 1088; H.R. 1089, as amended; H.R. 1168, as amended; H.R. 1170, as amended; H.R. 1171, as amended; H.R. 1172, as amended; H.R. 2180; H.R. 3219, as amended; H.R. 3949, as amended; H.R. 4592, as amended (House Bills); and S. 728, as amended; S. 1237, as reported; and S. 3609 (Senate Bills).

H.R. 174 passed the House on November 2, 2009; H.R. 466, as amended, passed the House on June 8, 2009; H.R. 1037, as amended, passed the House on July 14, 2009; H.R. 1088 passed the House on May 19, 2009; H.R. 1089, as amended, passed the House on May 19, 2009; H.R. 1168, as amended, passed the House on November 2, 2009; H.R. 1170, as amended, passed the House on May 19, 2009; H.R. 1171, as amended, passed the House on March 30, 2009; H.R. 1172, as amended, passed the House on June 23, 2009; H.R. 3219, as amended, passed the House on July 27, 2009; H.R. 3949, as amended, passed the House on November 3, 2009. H.R. 4592 passed the House on March 23, 2010. H.R. 1037, as amended, passed the Senate on October 7, 2009.

The Committees have prepared the following explanation of H.R. 3219, as amended, to reflect a Compromise Agreement between the Committees. Differences between the provisions contained in the Compromise Agreement and the related provisions of the House Bills and the Senate Bills are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

TITLE I—EMPLOYMENT, SMALL BUSINESS, AND EDUCATION MATTERS

EXTENSION AND EXPANSION OF AUTHORITY FOR CERTAIN QUALIFYING WORK-STUDY ACTIVITIES FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS

Current Law

Section 3485 of title 38, United States Code (U.S.C.), permits certain students enrolled in a program of education to participate in work-study programs. Approved work-study activities are generally activities relating to processing documents or providing services at Department of Veterans Affairs (VA) facilities. However, until June 30, 2010, approved activities also included outreach services provided by State approving agencies, care to veterans in State homes, and activities related to the administration of national or State veterans' cemeteries.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 1037, as amended, would require VA to conduct a five-year pilot program to expand work-study opportunities by adding to the list of approved activities positions in academic departments (including positions as tutors or research, teaching, and lab assistants) and in student services (including positions in career centers and financial aid, campus orientation, cashiers, admissions, records, and registration offices).

Compromise Agreement

Section 101 of the Compromise Agreement would extend the authority from June 30, 2010, to June 30, 2013, during which qualifying work-study activities may include assisting with outreach services to servicemembers and veterans furnished by employees of State approving agencies, provision of care to veterans in State homes, and activities related to administration of a national cemetery or State veterans' cemetery. In addition, effective October 1, 2011, it would add to the list of qualifying work-study activities the following:

Activities of State veterans agencies helping veterans obtain any benefit under laws administered by VA or States;

Positions at Centers of Excellence for Veteran Student Success;

Positions working in programs run jointly by VA and an institution of higher learning; and

Any other veterans-related position in an institution of higher learning.

REAUTHORIZATION OF VETERANS' ADVISORY COMMITTEE ON EDUCATION

Current Law

Section 3692 of title 38 provides for the formation of a Veterans' Advisory Committee on Education. The authority for this Committee expired on December 31, 2009.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 102 of H.R. 3949, as amended, would reauthorize the Advisory Committee until December 31, 2015.

Compromise Agreement

Section 102 of the Compromise Agreement would extend the Veterans' Advisory Committee on Education until December 31, 2013.

18-MONTH PERIOD FOR TRAINING OF NEW DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES BY NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE

Current Law

Section 4102A(c)(8) of title 38, U.S.C., requires that, as a condition of receiving grants under the Disabled Veterans' Outreach Program (DVOP) and the Local Veterans' Employment Representatives (LVER) program authorities, States are generally required to have each DVOP and LVER complete a program of training through the National Veterans' Employment and Training Services Institute within three years of beginning employment.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 1088 would require that DVOPs and LVERs assigned to perform those duties on or after the date of enactment complete training within one year of being so assigned and that DVOPs and LVERs hired on or after January 1, 2006, also complete training within one year of the date of enactment.

Compromise Agreement

Section 103 of the Compromise Agreement would require that DVOPs and LVERs hired on or after the date of enactment complete training within 18 months of employment and that any previously-hired DVOPs and LVERs who were hired on or after January 1, 2006, also complete training within 18 months of the date of enactment.

CLARIFICATION OF RESPONSIBILITY OF SECRETARY OF VETERANS AFFAIRS TO VERIFY SMALL BUSINESS OWNERSHIP

Current Law

Public Law 109–461 (120 Stat. 3403), the Veterans Benefits, Health Care, and Information Technology Act of 2006, requires VA to maintain the VetBiz Vendor Information Page (VIP) database containing Veteran Owned Small Businesses (VOSB) and Service-Disabled Veteran Owned Small Businesses (SDVOSB). This law also requires VA to verify that registered firms meet the eligibility requirements to be classified as VOSBs or SDVOSBs to be included in the database.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 101 of H.R. 3949, as amended, would require VA to verify small business concerns prior to being listed in the VIP database.

Compromise Agreement

Section 104 of the Compromise Agreement follows the House Bill.

DEMONSTRATION PROJECT FOR REFERRAL OF USERRA CLAIMS AGAINST FEDERAL AGENCIES TO THE OFFICE OF SPECIAL COUNSEL

Current Law

Under chapter 43 of title 38, U.S.C., the Department of Labor has responsibility for receiving, investigating, and attempting to resolve all claims filed under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 1089, as amended, would provide the U.S. Office of Special Counsel with initial jurisdiction to investigate and prosecute all USERRA complaints involving Federal executive agencies and provide authority for individuals to file complaints with the U.S. Office of Special Counsel. It would clarify that the U.S. Office of Special Counsel has the same authority as the U.S. Department of Labor to conduct investigations and issue subpoenas when investigating USERRA complaints.

Compromise Agreement

Section 105 of the Compromise Agreement would require the Secretary of Labor and the Office of Special Counsel to carry out a 36-month demonstration project to start no later than 60 days after the Comptroller General submits a report assessing the proposed methods and procedures for the demonstration project; under the demonstration project, certain USERRA claims against Federal executive agencies would be received by or referred to the Office of Special Counsel. It would also allow the Office of Special Counsel to receive and investigate certain claims under USERRA and related prohibited personnel practice claims. Finally, the Compromise Agreement would establish general guidelines for administration of the demonstration project; would require the Department of Labor and the Office of Special Counsel to jointly establish methods and procedures to be used during the demonstration project and submit to Congress a report describing those methods and procedures; would require the Comptroller General to submit to Congress a report assessing those methods and procedures; and would require the Comptroller General to submit to Congress reports on the demonstration project.

VETERANS ENERGY-RELATED EMPLOYMENT PROGRAM

Current Law

Current law contains no relevant provision.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 4592, as amended, would create a Veterans Energy-Related Employment Program pilot program, which would award competitive grants to three States for the establishment of a program that would reimburse energy employers for the cost of providing on-the-job training for veterans in the energy sector. The reimbursements would go to employers or labor-management organizations. Each participating State would be required to provide evidence that it can produce such training to serve a population of eligible veterans, has a diverse energy industry, and the ability to carry out such a program, as well as certify that participating veterans would be hired at a wage rate consistent with the standard industry average for jobs that are technically involved and have a skill-set that is not transferable to other non-energy industries. It would authorize appropriations of $10 million a year for five years, beginning in 2011 through 2015.

Compromise Agreement

Section 106 of the Compromise Agreement would establish a pilot competitive grant program (Veterans Energy-Related Employment Program) as part of the Veterans Workforce Investment Program for up to three States to provide grants to energy employers that train veterans in skills particular to the energy industry. States would need to repay funds not used for the purposes outlined for this pilot program and submit reports on the use of the grant funds to the Secretary of Labor. This section would outline requirements employers must meet to receive funds from a State and would prohibit the use of funds for non-eligible veterans or eligible veterans whose employment is funded through any other governmental program. A report to Congress would be required to be submitted by the Secretary. The administrative costs of the Secretary would be limited to 2 percent of the appropriations for this program and the Secretary of Labor would be permitted to determine the maximum amounts of each grant that may be used for administration and reporting costs. Section 106 of the Compromise Agreement would authorize $1.5 million for the grant program for each of fiscal years 2012 through 2014.

PAT TILLMAN VETERANS' SCHOLARSHIP INITIATIVE

Current Law

There is no relevant provision in current law.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 1172, as amended, would require VA to provide and maintain on its website by June 1, 2010, information regarding scholarships that are available to veterans and family members of deceased veterans. Information to be provided on the website would include a list of organizations offering scholarships and a link to their websites. VA would also be required to notify schools and other organizations of the opportunity to be listed on the website.

Compromise Agreement

Section 107 of the Compromise Agreement follows the House Bill but requires the VA, by June 1, 2011, to make available on its website a list of organizations that provide scholarships to veterans and their survivors. VA would be required to make reasonable efforts to notify schools and other organizations of the opportunity to be listed on the website.

TITLE II—HOUSING AND HOMELESSNESS MATTERS

REAUTHORIZATION OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROGRAM

Current Law

The Homeless Veterans Reintegration Program (HVRP) was initially enacted in 1987 as part of Public Law 100–77, the Stewart B. McKinney Homeless Assistance Act, to expand services beyond food and shelter to homeless veterans. Public Law 107–95, the Homeless Veterans Comprehensive Assistance Act of 2001, directed the Secretary of Labor to provide homeless veterans with job training, counseling, and placement services as part of a holistic approach to reintegrating homeless veterans back into society. The authorization of appropriations to carry out this program expired at the end of fiscal year 2009.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 2 of H.R. 1171, as amended, would reauthorize, through fiscal year 2014, the Department of Labor's HVRP.

Compromise Agreement

Section 201 of the Compromise Agreement follows the House Bill, except that it would reauthorize the HVRP through fiscal year 2011.

HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN REINTEGRATION GRANT PROGRAM

Current Law

Currently, under section 2021 of title 38, U.S.C., the Secretary of Labor is required to conduct, directly or through grant or contract, the HVRP. Through HVRP, the Secretary selects programs that are appropriate to provide job training, counseling, and placement services (including job readiness, literacy and skills training) to expedite the reintegration of homeless veterans into the labor force. HVRP is administered through the Assistant Secretary of Labor for Veterans' Employment and Training (VETS).

Senate Bill

Section 102 of S. 1237, as reported, would amend Subchapter III of chapter 20 of title 38, U.S.C., by adding a new section 2021A, entitled ''Grant program for reintegration of homeless women veterans and homeless veterans with children.'' This grant program would differ from the current HVRP grants in that it would be strictly a grant program and would focus specifically on providing services that will assist in the reintegration into the labor force of homeless women veterans and homeless veterans with children. Like the current HVRP grants, services under this new grant program would include job training, counseling, and job placement services, including job readiness, literacy, and skills training. Importantly, it would also include child care services to serve more effectively the target population.

House Bill

Section 3 of H.R. 1171, as amended, would amend title 38, U.S.C., adding a new section 2021A, entitled ''Homeless women veterans and homeless veterans with children reintegration grant program.'' That bill would direct the Secretary of Labor to carry out a grant program to provide reintegration services through programs and facilities that emphasize services for homeless women veterans and homeless veterans with children.

Compromise Agreement

Section 202 of the Compromise Agreement generally follows the House Bill. However, the authorization of appropriations to carry out this program is $1 million for fiscal years 2011 to 2015.

SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM

Current Law

There is no current provision in title 38, U.S.C., authorizing grants to develop assistive technology for specially adapted housing. The Specially Adapted Housing (SAH) program was established in 1948 by Public Law 80–702, an act to authorize assistance to certain veterans in acquiring specially adapted housing which they require by reason of their service-connected disabilities. The SAH program provides grants to certain qualifying service-connected disabled veterans to assist them in acquiring suitable housing.

Senate Bill

The Senate Bills contain no comparable provisions.

House Bill

H.R. 1170, as amended, would authorize a five-year pilot program to promote research and development of adaptive technologies that would be applicable to the SAH program. It would also provide that VA retain a 30 percent interest in any patent approved as a result of funding through this grant program. The bill would further require that VA retain any investment returns from these patents to assist in funding grants, during the duration of this program. It would authorize $2 million per year for purposes of this grant program; those amounts would be derived from amounts appropriated for VA Medical Services.

Compromise Agreement

Section 203 of the Compromise Agreement generally follows the House Bill. However, under the Compromise Agreement, the Secretary would not retain any patent rights to the technology developed by any grant recipient, the funding amount would be reduced from $2 million to $1 million per fiscal year to carry out this program, and the funding would now come from amounts appropriated to VA for readjustment benefits, not Medical Services. The effective date of the five-year pilot program would be October 1, 2011.

WAIVER OF HOUSING LOAN FEE FOR CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES CALLED TO ACTIVE SERVICE

Current Law

Current law, section 3729(c)(1) of title 38, U.S.C., states that a loan fee, normally collected from each person obtaining a housing loan guaranteed, insured or made under chapter 37, will be waived for a veteran who is receiving compensation, or who, but for the receipt of retirement pay, would be entitled to receive compensation.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 2180 would waive housing loan fees for certain veterans with service-connected disabilities called back to active service.

Compromise Agreement

Section 204 of the Compromise Agreement follows the House Bill.

TITLE III—SERVICEMEMBERS CIVIL RELIEF ACT MATTERS

RESIDENTIAL AND MOTOR VEHICLE LEASES

Current Law

Section 305 of the Servicemembers Civil Relief Act (SCRA) permits the cancellation of motor vehicle leases and prohibits early termination penalties. It also permits cancellation of residential leases, but it does not provide protection from early termination fees.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 202 of H.R. 3949 would amend subsection (e) of section 305 of SCRA to revise provisions concerning arrearages and other obligations to prohibit a lessor from charging an early termination charge with respect to a residential, professional, business, or agricultural rental lease entered into by a person who subsequently enters military service, or for a servicemember who has received orders for permanent change of station or for deployment in support of a military operation. It would provide that unpaid lease charges shall be paid by the lessee.

Compromise Agreement

Section 301 of the Compromise Agreement follows the House bill.

TERMINATION OF TELEPHONE SERVICE CONTRACTS

Current Law

Section 305A of SCRA permits certain servicemembers the option to request a termination or suspension of their cellular phone contracts if they are deployed outside of the continental United States for a period of not less than 90 days or have a permanent change of duty station within the United States.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 201 of H.R. 3949 would amend section 305A of the SCRA to allow a servicemember to terminate certain service contracts if the servicemember has received military orders to deploy for a period of not less than 90 days or for a change of duty station to a location that does not support such service. Furthermore, if the terminated contract was for cellular or telephone exchange services, it would allow a servicemember to keep the phone number to the extent practicable and in accordance with applicable law. Covered contracts would include cellular telephone service (including family plans with the servicemember), telephone exchange service, multi-channel video programming service and internet service, as well as home water, electricity, home heating oil and natural gas services. Servicemembers would be required to deliver a written notice of termination of the service contract and the military orders to the service provider by hand delivery, private carrier, fax, or U.S. Postal Service with return receipt requested and sufficient postage. A service provider would be prohibited from imposing an early termination charge, but could collect appropriate tax, obligation or liability under the contract.

Compromise Agreement

Section 302 of the Compromise Agreement would allow a servicemember to terminate a contract for cellular telephone or telephone exchange service at any time after receiving notice of military orders to relocate for a period of 90 days or more to a location that does not support the contract. It would further require the telephone number of an individual who terminated a contract to be kept available for a period of not to exceed three years if the servicemember re-subscribes to the service within 90 days of the last day of relocation. Finally, section 302 of the Compromise Agreement would permit certain family plan contracts for cellular telephone service entered into by a family member of a servicemember to be terminated.

ENFORCEMENT BY THE ATTORNEY GENERAL AND BY PRIVATE RIGHT OF ACTION

Current Law

Current law contains no relevant provision.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 203 of H.R. 3949 would amend the SCRA to add a new title, Title VIII—Civil Liability, which would authorize the U.S. Attorney General to bring a civil action in U.S. district court to enforce provisions of the SCRA. It would also authorize the court to

grant appropriate relief to include monetary damages. The court would be authorized in certain circumstances to impose a civil penalty that, for the first violation, will not exceed $55,000 and, for any subsequent violation, will not exceed $110,000. It would provide intervenor rights to aggrieved persons for a civil action that has already been started. In addition, it would clarify that a person has a private right of action to file a civil action for violations under the SCRA and that the court may award costs and attorney fees to a servicemember who prevails. Finally, it would provide that the rights granted under sections 801 or 802 will not limit or exclude any other rights that may also be available under Federal or state law.

Compromise Agreement

Section 303 of the Compromise Agreement generally follows the House bill with some technical changes.

TITLE IV—INSURANCE MATTERS

INCREASE IN AMOUNT OF SUPPLEMENTAL INSURANCE FOR TOTALLY DISABLED VETERANS

Current Law

Section 1922A of title allows eligible totally disabled veterans to receive a maximum of $20,000 in Service-Disabled Veterans' Insurance (S–DVI) supplemental life insurance coverage.

Senate Bill

Section 101 of H.R. 1037, as amended, would amend section 1922A(a) of title 38, U.S.C., to increase the amount of life insurance available to totally disabled veterans by allowing them to purchase an additional $10,000 in supplemental insurance coverage. This would raise the maximum amount of S–DVI supplemental coverage to $30,000.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 401 of the Compromise Agreement follows the Senate Bill, except that the provision would take effect on October 1, 2011.

PERMANENT EXTENSION OF DURATION OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE FOR TOTALLY DISABLED VETERANS

Current Law

VA offers a variety of life insurance options for servicemembers, veterans, and their families. Among these is the Servicemembers' Group Life Insurance (SGLI) program, which offers low-cost group life insurance for servicemembers on active duty, Ready Reservists, members of the National Guard, members of the Commissioned Corps of the National Oceanic and Atmospheric Administration and the Public Health Service, cadets and midshipmen of the four service academies, and members of the Reserve Officer Training Corps. SGLI coverage is available in $50,000 increments up to the maximum of $400,000.

Public Law 93–289, the Veterans' Insurance Act of 1974, established a new program of post-separation insurance known as Veterans' Group Life Insurance (VGLI). VGLI provides for the post-service conversion of SGLI to a renewable term policy of insurance. Persons eligible for full-time coverage include former servicemembers who were insured full-time under SGLI and who were released from active duty or the Reserves, Ready Reservists who have part-time SGLI coverage and who incur certain disabilities during periods of active or inactive duty training, and members of the Individual Ready Reserve and Inactive National Guard. VGLI coverage is issued in multiples of $10,000 up to a maximum of $400,000.

Under current law, VGLI applications for coverage must occur within one year and 120 days from discharge. However, servicemembers who are totally disabled at the time of discharge may have a longer period within which to convert their SGLI coverage to VGLI. Public Law 109–233, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006, authorized VA to extend from one to two years, after separation from active duty service, the period within which totally disabled members may receive premium free SGLI coverage and convert their coverage to a policy under the VGLI program after separation from active duty service. However, Public Law 109–233 mandated that on or after October 1, 2011, this two-year time period would be shortened to 18 months.

Senate Bill

Section 101 of S. 3765 would amend section 1968(a) of title 38, U.S.C., to eliminate the expiration date for a potential two-year extension of SGLI coverage available to servicemembers who are totally disabled when they separate from service.

House Bill

Section 101 of H.R. 3219, as amended, would amend section 1968(a) of title 38, U.S.C., to eliminate the expiration date for a potential two-year extension of SGLI coverage available to servicemembers who are totally disabled when they separate from service.

Compromise Agreement

Section 402 of the Compromise Agreement follows the language in both bills.

ADJUSTMENT OF COVERAGE OF DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE

Current Law

Under current law, insurable dependents of servicemembers on active duty, or Ready Reservists who are totally disabled on the date of separation or release from service or assignment, are authorized to continue receiving insurance coverage long after the servicemembers' separation or release from service. Servicemembers on active duty are potentially eligible for continued coverage for up to 2 years after the date of separation or release from service; Ready Reservists are potentially eligible for an additional 1 year of coverage after separation or release from an assignment. Thereafter, the insurable dependents of covered servicemembers on active duty are also potentially eligible for continued coverage for up to 2 years after the date of separation or release from service or, in the case of an insurable dependent of a Ready Reservist, up to 1 year after the date of separation or release from an assignment.

Senate Bill

Section 102 of H.R. 1037, as amended, would amend section 1968(a)(5)(B)(ii) of title 38, U.S.C., so that no insurable dependent, not even those of servicemembers who remain covered for up to 1 or 2 years after service or assignment, could remain covered under SGLI for more than 120 days after the servicemember's separation or release from service or assignment.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 403 of the Compromise Agreement follows the Senate Bill.

OPPORTUNITY TO INCREASE AMOUNT OF VETERANS' GROUP LIFE INSURANCE

Current Law

Section 1977(a)(1) of title 38, U.S.C., limits the amount of VGLI coverage a veteran may carry to the amount of SGLI coverage that continued in force after that veteran was separated from service.

Senate Bill

Section 102 of S. 3765 would amend section 1977(a) of title 38, U.S.C., to allow VGLI participants who are under the age of 60 and insured for less than the current maximum authorized for SGLI the opportunity to obtain, without a health care examination, an additional $25,000 in coverage once every 5 years at the time of renewal.

House Bill

Section 102 of H.R. 3219, as amended, would amend section 1977(a) of title 38, U.S.C., to allow VGLI participants who are under the age of 60 and insured for less than the current maximum authorized for SGLI the opportunity to obtain, without a health care examination, an additional $25,000 in coverage once every 5 years at the time of renewal.

Compromise Agreement

Section 404 of the Compromise Agreement follows the language in both bills.

ELIMINATION OF REDUCTION IN AMOUNT OF ACCELERATED DEATH BENEFIT FOR TERMINALLY ILL PERSONS INSURED UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE

Current Law

The current SGLI/VGLI Accelerated Benefits Option (ABO) requires VA to discount or reduce the payout available under both the SGLI and VGLI programs for terminally ill servicemembers and veterans who exercise the option to use up to half of their policy. Currently, VA discounts this payment by an amount commensurate to the interest rate earned by the program on its investment in effect at the time that a servicemember or veteran applies for the benefits, thereby often significantly reducing the amount of the ABO payment.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 103 of H.R. 3219, as amended, would amend section 1980(b)(1) of title 38, U.S.C., by eliminating the requirement that the lump sum accelerated payment be ''reduced by an amount necessary to assure that there is no increase in the actuarial value of the benefit paid, as determined by the Secretary.''

Compromise Agreement

Section 405 of the Compromise Agreement follows the House Bill.

CONSIDERATION OF LOSS OF DOMINANT HAND IN PRESCRIPTION OF SCHEDULE OF SEVERITY OF TRAUMATIC INJURY UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE

Current Law

Under current law, traumatic injury protection under Servicemembers' Group Life Insurance (TSGLI) provides for payment to servicemembers who suffer a qualifying loss as a result of a traumatic injury event. In the event of a qualifying loss, VA will pay between $25,000 and $100,000, depending on the severity of the qualifying loss. In prescribing payments, VA does not account for the effect, if any, that the loss of a dominant hand has on lengthening hospitalization or rehabilitation periods.

Senate Bill

Section 104 of H.R. 1037, as amended, would amend section 1980A(d) of title 38, U.S.C., to authorize VA to distinguish in specifying payments for qualifying losses of a dominant hand and a non-dominant hand.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 406 of the Compromise Agreement follows the Senate Bill except that the provision would take effect on October 30, 2011.

ENHANCEMENT OF VETERANS' MORTGAGE LIFE INSURANCE

Current Law

Under current law, service-connected disabled veterans who have received specially adapted housing grants from VA may purchase up to $90,000 in Veterans' Mortgage Life Insurance (VMLI). In the event of the veteran's death, the veteran's family is protected because VA will pay the balance of the mortgage owed up to the maximum amount of insurance purchased.

Senate Bill

Section 105 of H.R. 1037, as amended, would amend section 2106(b) of title 38, U.S.C., to increase the maximum amount of insurance that may be purchased under the VMLI program from the current maximum of $90,000 to $150,000 effective on October 1, 2012. The maximum amount would then increase from $150,000 to $200,000 on January 1, 2012.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 407 of the Compromise Agreement follows the Senate Bill, except that the provision would take effect on October 1, 2011.

EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE

Current Law

Under current law, TSGLI provides coverage against qualifying losses incurred as a result of a traumatic injury. In the event of a loss, VA will pay between $25,000 and $100,000 depending on the severity of the qualifying loss. TSGLI went into effect on December 1, 2005. In order to provide assistance to those servicemembers suffering traumatic injuries on or before October 7, 2001, and November 30, 2005, retroactive TSGLI payments were authorized under section 1032(c) of Public Law 109–13, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, to individuals whose qualifying losses were sustained as ''a direct result of injuries incurred in Operation Enduring Freedom or Operation Iraqi Freedom.'' Under section 501(b) of Public Law 109–233, the Veterans' Housing Opportunity Benefits Improvement Act of 2006, this definition was amended to allow retroactive payments to individuals whose qualifying losses were sustained as a ''direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom and Operation Iraqi Freedom.'' Men and women who were traumatically injured on or between October 7, 2001, and November 30, 2005, but were not in the Operation Iraqi Freedom or Operation Enduring Freedom theaters of operation are not eligible for retroactive payments.

Senate Bill

Section 103 of H.R. 1037, as amended, would amend section 501(b) of Public Law 109–233 so as to remove the requirement that limits retroactive TSGLI payments to those who served in the Operation Iraqi Freedom (OIF) or Operation Enduring Freedom (OEF) theaters of operation. Thus, this section of the Compromise Agreement would authorize retroactive TSGLI payments for qualifying traumatic injuries incurred on or after October 7, 2001, but before December 1, 2005, irrespective of where the injuries occurred.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 408 of the Compromise Agreement follows the Senate Bill, except that the provision would take effect on October 1, 2011.

TITLE V—BURIAL AND CEMETERY MATTERS

INCREASE IN CERTAIN BURIAL AND FUNERAL BENEFITS AND PLOT ALLOWANCES FOR VETERANS

Current law

Under current law, VA will pay up to $300 toward the funeral and burial costs of veterans who die while receiving care at certain VA facilities. In addition, VA will pay a $300 plot allowance when a veteran is buried in a cemetery not under U.S. government jurisdiction if: the veteran was discharged from active duty because of a disability incurred or aggravated in the line of duty; the veteran was receiving compensation or pension, or would have been if he/she was not receiving military retired pay; or the veteran died in a VA facility. The plot allowance may be paid to the State for the cost of a plot or interment in a State-owned cemetery reserved solely for veteran burials if the veteran was buried without charge.

Senate Bill

Section 501 of H.R. 1037, as amended, would increase payments for funeral and burial expenses in the case of individuals who die in VA facilities and for plot allowances up to $745 and would increase this amount annually by a cost-of-living adjustment. These increases would be effective for deaths occurring on or after October 1, 2010, but no cost-of-living adjustment would be paid in fiscal year 2011.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 501 of the Compromise Agreement would increase the amount paid for the burial and funeral of a veteran who dies in a VA facility or the plot allowance for a deceased veteran who is eligible for burial at a national cemetery from $300 to $700, effective October 1, 2011. It would further direct the Secretary of Veterans Affairs to provide an annual percentage increase in relation to the Consumer Price Index. Finally, the Compromise Agreement would provide that no cost-of-living increases are to be made to these benefits in fiscal year 2012.

INTERMENT IN NATIONAL CEMETERIES OF PARENTS OF CERTAIN DECEASED VETERANS

Current Law

Under section 2402(5) of title 38, U.S.C., certain spouses, surviving spouses, and minor children of servicemembers and veterans who are eligible for burial in national cemeteries are eligible to be interred in national cemeteries.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 303 of H.R. 3949, the Corey Shea Act, would give VA the discretion to provide space-available burial to qualifying parents in the gravesite of their deceased son or daughter who, on or after October 7, 2001, died in combat or died of a combat-related training injury and who has no other eligible survivors as identified under section 2402(5) of title 38, U.S.C. The term parent would mean the biological mother or father or, in the case of adoption, the adoptive mother or father.

Compromise Agreement

Section 502 of the Compromise Agreement follows the House Bill.

REPORTS ON SELECTION OF NEW NATIONAL CEMETERIES

Current Law

Current law contains no relevant provision.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

H.R. 174 would direct VA to establish a national cemetery for veterans in the Southern Colorado area.

Compromise Agreement

Section 503 of the Compromise Agreement would require VA, not later than one year following the date of enactment, to report to Congress on the selection and construction of five new national cemeteries in areas in Southern Colorado; Melbourne and Daytona, Florida; Rochester and Buffalo, New York; Tallahassee, Florida; and Omaha, Nebraska. The Secretary would be required to solicit the advice and views of State and local veterans organizations. The report would be required to include a schedule for the establishment of and the funds available for each such cemetery. The Compromise Agreement would further require annual reports to be submitted to Congress until the completion of the cemeteries.

TITLE VI—COMPENSATION AND PENSION

ENHANCEMENT OF DISABILITY COMPENSATION FOR CERTAIN DISABLED VETERANS WITH DIFFICULTIES USING PROSTHESES AND DISABLED VETERANS IN NEED OF REGULAR AID AND ATTENDANCE FOR RESIDUALS OF TRAUMATIC BRAIN INJURY

Current Law

Currently, under subsections (a) through (j) of section 1114 of title 38, U.S.C., VA pays disability compensation to a veteran based on the rating assigned to the veteran's service-connected disabilities. Under subsections (m), (n), and (o) of section 1114, higher levels of monthly compensation are paid to veterans with severe disabilities if certain criteria are satisfied. The criteria for compensation under section 1114(m) include ''the anatomical loss . . . of both legs at a level, or with complications, preventing natural knee action with prostheses in place'' or ''the anatomical loss . . . of one arm and one leg at levels, or with complications, preventing natural elbow and knee action with prostheses in place.'' The criteria for compensation under section 1114(n) include ''the anatomical loss . . . of both arms at levels, or with complications, preventing natural elbow action with prostheses in place''; ''the anatomical loss of both legs so near the hip as to prevent the use of prosthetic appliances''; or ''the anatomical loss of one arm and one leg so near the shoulder and hip as to prevent the use of prosthetic appliances.''

The criteria for compensation under section 1114(o) include ''the anatomical loss of both arms so near the shoulder as to prevent the use of prosthetic appliances.''

Currently, the monthly compensation under subsections (a) through (j) of section 1114 ranges from $123 per month for a single veteran with no dependents rated 10 percent to $2,673 per month for the same single veteran rated 100 percent. Under section 1114(l) of title 38, U.S.C., VA provides a higher amount of compensation, currently $3,327 per month for a single veteran, if the veteran is ''in need of regular aid and attendance.'' A veteran who requires regular aid and attendance may be entitled to an additional $2,002 per month, under section 1114(r)(1) of title 38, U.S.C., if the veteran suffers from severe service-connected physical disabilities. Also, under section 1114(r)(2), a higher level of aid and attendance compensation, currently an additional $2,983 per month, is provided to certain veterans with severe service-connected disabilities who need ''a higher level of care'' in addition to regular aid and attendance. Under section 1114(r)(2), this higher level of compensation generally is provided only to a veteran who has suffered a severe anatomical loss, who needs ''health-care services provided on a daily basis in the veteran's home,'' and who would require institutionalization in the absence of that care.

Senate Bill

Section 205(a) of H.R. 1037, as amended, would amend subsections (m), (n), and (o) of section 1114 to remove the provisions conditioning higher monthly compensation on the site of, or complications from, an anatomical loss. Instead, if the other requirements are satisfied, it would allow the higher rates to be paid if any factors prevent natural elbow or knee action with prostheses in place or prevent the use of prosthetic appliances.

Section 205(b) of H.R. 1037, as amended, would add a new subsection (t) to section 1114, which would provide that, if a veteran is in need of regular aid and attendance due to the residuals of traumatic brain injury, is not eligible for compensation under section 1114(r)(2), and, in the absence of regular aid and attendance, would require institutional care, the veteran will be entitled to a monthly aid and attendance allowance equivalent to the allowance provided under section 1114(r)(2).

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 601 of the Compromise Agreement follows the Senate Bill.

COST-OF-LIVING INCREASE FOR TEMPORARY DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN UNDER THE AGE OF 18

Current Law

Under section 1310 of title 38, U.S.C., VA provides dependency and indemnity compensation (DIC) to a surviving spouse if a veteran's death resulted from: (1) a disease or injury incurred or aggravated in the line of duty while on active duty or active duty for training; (2) an injury incurred or aggravated in the line of duty while on inactive duty for training; or (3) a service-connected disability or a condition directly related to a service-connected disability.

Section 301 of Public Law 108–454, the Veterans Benefits Improvement Act of 2004, amended section 1311 of title 38, U.S.C., to authorize VA to pay a $250 per month temporary benefit to a surviving spouse with one or more children below the age of 18, during the 2 years following the date on which entitlement to DIC began. This provision was enacted in response to a May 2001 program evaluation report recommendation on the need for transitional DIC.

Senate Bill

Section 201 of H.R. 1037, as amended, would amend section 1311(f) of title 38, U.S.C., by authorizing a permanent, automatic, cost-of-living adjustment for this temporary DIC payment so that the value of the benefit does not erode over time.

This cost-of-living increase would occur whenever there is an increase in benefit amounts payable under title II of the Social Security Act, section 401 et seq., title 42, U.S.C.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 602 of the Compromise Agreement follows the Senate bill.

PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVORS OF FORMER PRISONERS OF WAR WHO DIED ON OR BEFORE SEPTEMBER 30, 1999

Current Law

Under chapter 13 of title 38, U.S.C., DIC is paid to the surviving spouse or children of a veteran when the veteran's death is a result of a service-connected disability. In addition, VA provides DIC to the surviving spouses and children of veterans who have died after service from a non-service-connected disability if the veteran had been totally disabled due to a service-connected disability for a continuous period of 10 or more years immediately preceding death or for a continuous period of at least 5 years after the veteran's release from service.

Prior to Public Law 106–117, the Veterans Millennium Health Care and Benefits Act, the survivors of former Prisoners of War (POWs) were eligible for DIC under the same rules as all other survivors. Section 501 of Public Law 106–117 extended eligibility for DIC to the survivors of former POWs who died after September 30, 1999, from non-service-connected causes if the former POWs were totally disabled due to a service-connected cause for a period of 1 or more years, rather than 10 or more years, immediately prior to death.

Senate Bill

Section 208 of H.R. 1037, as amended, would amend section 1318(b)(3) of title 38, U.S.C., to make all survivors of former POWs eligible for DIC if the veteran died from non-service-connected causes and was totally disabled due to a service-connected condition for a period of 1 or more years immediately prior to death, without regard to date of death.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 603 of the Compromise Agreement follows the Senate bill.

EXCLUSION OF CERTAIN AMOUNTS FROM CONSIDERATION AS INCOME FOR PURPOSES OF VETERANS PENSION BENEFITS

Current Law

Under chapter 15 of title 38, U.S.C., VA is authorized to pay pension benefits to wartime veterans who have limited or no income, and who are ages 65 or older, or, if under 65, who are permanently and totally disabled.

When calculating annual income for purposes of these pension benefits, section 1503 of title 38, U.S.C., authorizes VA to include income received by the veteran and from most sources. However, certain sources of income, such as donations from public or private relief or welfare organizations, are not taken into account.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 604 of the Compromise Agreement would exclude, for purposes of determining income for pension eligibility, up to $5,000, paid to a veteran from a State or municipality, if the benefit was paid due to the veteran's injury or disease.

COMMENCEMENT OF PERIOD OF PAYMENT OF ORIGINAL AWARDS OF COMPENSATION FOR VETERANS RETIRED OR SEPARATED FROM THE UNIFORMED SERVICES FOR CATASTROPHIC DISABILITY

Current Law

Under section 5110(b)(1) of title 38, U.S.C., if a veteran files a claim for VA disability compensation within 1 year after being discharged from military service, the effective date of an award of service connection will be the day after the date of discharge. However, under section 5111(a) of title 38, U.S.C., the effective date for payment of compensation based on that award will not be until the first day of the month following the month in which the service-connection award is effective.

Senate Bill

Section 206 of H.R. 1037, as amended, would amend section 5111 of title 38, U.S.C., to provide that, if a veteran is retired from the military for a catastrophic disability or disabilities, payment of disability compensation based on an original claim for benefits will be made as of the date on which the award of compensation becomes effective. ''Catastrophic disability'' would be defined as a permanent, severely disabling injury, disorder, or disease that compromises the ability of the veteran to carry out the activities of daily living to such a degree that the veteran requires personal or mechanical assistance to leave home or bed, or requires constant supervision to avoid physical harm to self or others.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 605 of the Compromise Agreement follows the Senate Bill.

APPLICABILITY OF LIMITATION TO PENSION PAYABLE TO CERTAIN CHILDREN OF VETERANS OF A PERIOD OF WAR

Current Law

Under current law, a veteran with no dependents who is entitled to receive pension under section 1521 of title 38, U.S.C., cannot be paid more than $90 per month if the veteran is in a nursing facility where services are covered by a Medicaid plan. In instances where a veteran's surviving spouse is entitled to receive pension under section 1541 of title 38, U.S.C., the surviving spouse also cannot be paid more than $90 per month if the surviving spouse has no dependents and is in a nursing facility where services are covered by a Medicaid plan. The $90 pension

benefit may not be counted in determining eligibility for Medicaid or the patient's share of cost.

Under section 101(4)(A) of title 38, U.S.C., a child is defined as a person who is unmarried and under the age of 18 years; before reaching the age of 18 years, became permanently incapable of self-support; or, after attaining the age of 18 years and until completion of education or training, but not after attaining the age of 23 years, is pursuing a course of instruction at an approved educational institution. Such a child is entitled to pension under section 1542 of title 38, U.S.C., if the income of the child is less than the statutory benefit amount payable to the child. If such a child is admitted to a nursing facility where services are covered by a Medicaid plan, the pension benefits for the child are not currently reduced to $90.

Senate Bill

Section 207 of H.R. 1037, as amended, would amend section 5503 of title 38, U.S.C., so that adult-disabled children of veterans who receive pension under section 1542 of title 38, U.S.C., and are covered by a Medicaid plan while residing in nursing homes, would have their pension benefits reduced in the same manner as veterans and surviving spouses.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 606 of the Compromise Agreement follows the Senate bill.

EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES

Current Law

Public Law 101–508, the Omnibus Budget Reconciliation Act of 1990, reduced VA pension for certain veterans in receipt of Medicaid-covered nursing home care to no more than $90 per month, for any period after the month of admission to the nursing care facility. This authority expired on September 30, 1992, and was extended through 1997 in Public Law 102–568, the Veterans' Benefits Act of 1992; through 1998 in Public Law 103–66, the Omnibus Budget Reconciliation Act of 1993; through 2002 in Public Law 105–33, the Balanced Budget Act of 1997; through 2008 in Public Law 106–419, the Veterans' Benefits and Health Care Improvement Act of 2000; and through 2011 in Public Law 107–103, the Veterans' Education and Benefits Expansion Act of 2001.

Senate Bill

Section 204 of H.R. 1037, as amended, would amend section 5503(d)(7) of title 38, U.S.C., to extend, from September 30, 2011, to September 30, 2014, the authority for limitation of VA pension to $90 per month for certain beneficiaries receiving Medicaid-covered nursing home care.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 607 of the Compromise Agreement follows the Senate bill, except that the limitation would be extended until May 31, 2015.

CODIFICATION OF 2009 COST-OF-LIVING ADJUSTMENT IN RATES OF PENSION FOR DISABLED VETERANS AND SURVIVING SPOUSES AND CHILDREN

Current Law

Under current law, section 5312 of title 38, U.S.C., whenever there is an increase in benefits payable under title II of the Social Security Act, VA automatically increases pension benefits by the same percentage increase.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 608 of the Compromise Agreement codifies current pension rates for disabled veterans and surviving spouses and children.

TITLE VII—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

CLARIFICATION THAT USERRA PROHIBITS WAGE DISCRIMINATION AGAINST MEMBERS OF THE ARMED FORCES

Current Law

Under current law, section 4311(a) of title 38, U.S.C., employers may not deny any ''benefit of employment'' to employees or applicants on the basis of membership in the uniformed services, application for service, performance of service, or service obligation. However, the U.S. Court of Appeals for the Eighth Circuit held in 2002 that USERRA does not prohibit wage discrimination because ''wages or salary for work performed'' are specifically excluded from the law's definition of ''benefit of employment.'' Gagnon v. Sprint Corp., 284 F.3d 839, 853 (8th Cir. 2002).

Senate Bill

Section 403 of H.R. 1037, as amended, would amend section 4303(2) of title 38, U.S.C., to make it clear that wage discrimination is not permitted under USERRA.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 701 of the Compromise Agreement follows the Senate Bill.

CLARIFICATION OF THE DEFINITION OF ''SUCCESSOR IN INTEREST''

Current Law

Section 4303 of title 38, U.S.C., uses a broad definition of the term ''employer'' and includes in subsection (4)(A)(iv) a definition of a ''successor in interest.'' In regulations, the Department of Labor has provided that an employer is a ''successor in interest'' where there is a substantial continuity in operations, facilities and workforce from the former employer. It further stipulates that the determination of whether an employer is a successor in interest must be made on a case-by-case basis using a multifactor test (20 C.F.R. §1002.35). One Federal court, however, in a decision made prior to the promulgation of the regulation, held that an employer could not be a successor in interest unless there was a merger or transfer of assets from the first employer to the second. (See Coffman v. Chugach Support Services Inc., 411 F.3d 1231 (11th Cir. 2005); but see Murphree v. Communications Technologies, Inc., 460 F. Supp. 2d 702 (E.D. La 2006) applying 20 C.F.R. §1002.35 and rejecting the Coffman merger or transfer of assets requirement.)

Senate Bill

Section 402 of H.R. 1037, as amended, would amend section 4303 of title 38, U.S.C., to clarify the definition of ''successor in interest'' by incorporating language that mirrors the regulatory definition adopted by the Department of Labor.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 702 of the Compromise Agreement follows the Senate bill.

TECHNICAL AMENDMENTS

Senate Bill

Section 406 of H.R. 1037, as amended, would make three technical and conforming changes to various provisions of law in order to correct cross references to various USERRA provisions contained in chapter 43 of title 38, U.S.C., and clarify existing language in the USERRA.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 703 of the Compromise Agreement follows the Senate Bill.

TITLE VIII—BENEFITS MATTERS

INCREASE IN NUMBER OF VETERANS FOR WHICH PROGRAMS OF INDEPENDENT LIVING SERVICES AND ASSISTANCE MAY BE INITIATED

Current Law

Section 3120(e) of title 38, U.S.C., authorizes VA to initiate a program of independent living services for no more than 2,600 service-connected disabled veterans in each fiscal year.

Senate Bill

Section 301 of H.R. 1037, as amended, would eliminate the annual cap on the number of service-connected disabled veterans who may enroll in a program of independent living.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 801 of the Compromise Agreement would increase to 2,700 the number of veterans who may initiate a program of independent living services in any fiscal year.

PAYMENT OF UNPAID BALANCES OF DEPARTMENT OF VETERANS AFFAIRS GUARANTEED LOANS

Current Law

Under current law, section 3732 of title 38, U.S.C., provides default procedures for VA home loans and illustrates the actions VA may take to preserve the loan before suit or foreclosure. However, it does not address what would occur in the event an individual files for bankruptcy and a loan is modified under the authority provided under section 1322(b) of title 11.

Senate Bill

Section 304 of H.R. 1037, as amended, would amend section 3732(a)(2) by adding a new subparagraph that would authorize additional default procedures for VA home loans in the event that a VA home loan is modified under the authority provided under section 1322(b) of title 11. This new authority would allow VA to pay the holder of the obligation the unpaid balance of the obligation, plus accrued interest, due as of the date of the filing of the petition under title 11, but only upon the assignment, transfer, and delivery to VA in a form and manner satisfactory to VA of all rights, interest, claims, evidence, and records with respect to the housing loan.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 802 of the Compromise Agreement follows the Senate Bill.

ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILES AND ADAPTIVE EQUIPMENT

Current Law

Under current law, section 3901 of title 38, U.S.C., veterans and members of the Armed Forces are eligible for assistance with automobiles and adaptive equipment if they suffer from one of three qualifying service-connected disabilities: loss or permanent loss of use of one or both feet; loss or permanent loss of use of one or both hands; or a central visual acuity of 20/200 or less or a peripheral field of vision of 20 degrees or less.

Senate Bill

Section 302 of H.R. 1037, as amended, would amend section 3901 of title 38, U.S.C., so as to include individuals with a service-connected disability due to a severe burn injury, effective October 1, 2010. The scope and definition of what constitutes a disability due to a severe burn injury would be determined pursuant to regulations prescribed by VA.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 803 of the Compromise Agreement follows the Senate Bill, except that provision would take effect on October 1, 2011.

ENHANCEMENT OF AUTOMOBILE ASSISTANCE ALLOWANCE FOR VETERANS

Current Law

Under current law, section 3902 of title 38, U.S.C., provides up to $11,000 to eligible veterans and servicemembers for the purchase of an automobile or other conveyance and adaptive equipment to safely operate either.

Senate Bill

Section 303 of H.R. 1037, as amended, would amend section 3902 of title 38, U.S.C., to increase the maximum authorized automobile assistance allowance from $11,000 to $22,500, effective October 1, 2010. Section 303 would also direct VA to establish a method of determining the average retail cost of new automobiles for the preceding calendar year. The maximum allowance would increase, effective October 1 of each fiscal year, beginning in 2011, to an amount equal to 80 percent of what VA determined to be the average retail cost of new automobiles for the preceding calendar year.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 804 of the Compromise Agreement would generally follow the Senate Bill. However, the amount of the allowance was increased to $18,900 instead of $22,500. This allowance would be adjusted October 1 of each year, beginning in 2011, by a percentage equal to the percentage by which the Consumer Price Index for all urban consumers (U.S. city average) increased during the 12-month period ending with the last month for which Consumer Price Index data is available. If the Consumer Price Index does not increase, the amount of the allowance will remain the same as the previous fiscal year.

NATIONAL ACADEMIES REVIEW OF BEST TREATMENTS FOR GULF WAR ILLNESS

Current Law

Current law contains no relevant provision.

Senate Bill

Section 601 of H.R. 1037, as amended, would require VA to contract with the Institute of Medicine to gather a group of medical professionals, who are experienced in treating individuals diagnosed with Gulf War Illness, in order to conduct a comprehensive review of the best treatments for this illness. The individuals these medical professionals must have experience treating must have served during the Persian Gulf War in the Southwest Asia theater of operations, or in Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.

The final report on the review required by this section must be submitted to VA and the House and Senate Committees on Veterans' Affairs by December 31, 2011, and include recommendations for legislative or administrative actions as the Institute of Medicine considers appropriate in light of the results of that review.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 805 of the Compromise Agreement generally follows the Senate Bill except that the final report is due to the Committees by December 31, 2012, and the term ''chronic multisymptom illness'' replaces the term ''Gulf War Illness.''

EXTENSION AND MODIFICATION OF NATIONAL ACADEMY OF SCIENCES REVIEWS AND EVALUATIONS ON ILLNESS AND SERVICE IN PERSIAN GULF WAR AND POST 9/11 GLOBAL OPERATIONS THEATERS

Current Law

Public Law 105–277, the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, required VA to enter into an agreement with the National Academy of Sciences to review and evaluate the available scientific evidence regarding associations between illnesses and exposure to toxic agents, environmental or wartime hazards, or preventive medicines or vaccines associated with Persian Gulf War service. Congress extended these reviews and evaluations in Public Law 107–103, the Veterans Education and Benefits Expansion Act of 2001. This requirement will expire on October 1, 2010.

Public Law 105–368, the Veterans Programs Enhancement Act of 1998, required the National Academy of Sciences to examine the scientific and medical literature on the potential health effects of chemical and biological agents related to the 1991 Gulf War. The requirement for this examination ended in 2009.

Senate Bill

Section 602 of H.R. 1037, as amended, would extend until October 1, 2015, the mandate for the National Academy of Sciences to review and evaluate scientific evidence regarding associations between illnesses and exposure. Section 602(b) would extend until October 1, 2018, the requirement for the National Academy of Sciences to report on the health effects of exposure.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 806 of the Compromise Agreement generally follows the Senate Bill except that it requires the disaggregation of results by theaters of operations before and after September 11, 2001.

EXTENSION OF AUTHORITY FOR REGIONAL OFFICE IN REPUBLIC OF THE PHILIPPINES

Current Law

Current law, section 315(b) of title 38, U.S.C., authorizes VA to maintain a regional office in the Republic of the Philippines until December 31, 2010. Congress has periodically extended this authority, most recently in Public Law 111–117, the Consolidated Appropriations Act, 2010.

Senate Bill

Section 603 of H.R. 1037, as amended, would authorize VA to maintain a regional office in the Republic of the Philippines until December 31, 2011.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 807 of the Compromise Agreement follows the Senate Bill, and adds that within one year, the Comptroller General would be required to provide a report to the House and Senate Committees on Veterans' Affairs and Appropriations on the activities of the Manila Regional Office. This report would also include an assessment of the costs and benefits of maintaining the office in the Philippines in comparison with moving the activities of the office to the United States.

EXTENSION OF AN ANNUAL REPORT ON EQUITABLE RELIEF

Current Law

Under current law, VA is authorized to provide monetary relief to persons whom the Secretary determines were deprived of VA benefits by reason of administrative error by a federal government employee. The Secretary may also provide relief which the Secretary determines is equitable to a VA beneficiary who has suffered a loss as a consequence of an erroneous decision made by a federal government employee. No later than April 1 of each year, the Secretary was required to submit to Congress a report containing a statement as to the disposition of each case recommended to the Secretary for equitable relief during the preceding calendar year; the requirement for this report was extended through December 31, 2009, by Public Law 109–233, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006.

Senate Bill

The Senate Bills contains no comparable provision.

House Bill

The House Bills contains no comparable provision.

Compromise Agreement

The Compromise Agreement extends the requirement for the report on equitable relief through December 31, 2014.

AUTHORITY FOR THE PERFORMANCE OF MEDICAL DISABILITY EXAMINATIONS BY CONTRACT PHYSICIANS

Current Law

In 1996, in Public Law 104–275, the Veterans' Benefits Improvements Act of 1996, VA was authorized to carry out a pilot program of contract disability examinations through ten VA regional offices using amounts available for payment of compensation and pensions. During the initial pilot program, one contractor performed all contract examinations at the ten selected regional offices.

Subsequently, in 2003, in Public Law 108–183, the Veterans Benefits Act of 2003, VA

was given additional, time-limited authority to contract for disability examinations using other appropriated funds. That initial authority was extended until December 31, 2010, by Public Law 110–389, the Veterans' Benefits Improvement Act of 2008. VA continues to report high demand for compensation and pension examinations and satisfaction with the contracted examinations.

Senate Bill

S. 3609 would extend VA's authority, through December 31, 2012, to use appropriated funds for the purpose of contracting with non-VA providers to conduct disability examinations. The examinations would be conducted pursuant to contracts entered into and administered by the Under Secretary for Benefits.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 809 of the Compromise Agreement follows the Senate Bill.

TITLE IX—AUTHORIZATION OF MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

AUTHORIZATION OF FISCAL YEAR 2011 MAJOR MEDICAL FACILITY LEASES

Current Law

Current law contains no relevant provision.

Senate Bill

Section 203 of S. 3325, as amended, would authorize fiscal year 2011 major medical facility leases as follows:

$7,149,000 for a Community Based Outpatient Clinic (CBOC) in Billings, Montana.

$3,316,000 for an Outpatient Clinic in Boston, Massachusetts.

$21,495,000 for a CBOC in San Diego, California.

$10,055,000 for a Research Lab in San Francisco, California.

$5,323,000 for a Mental Health Facility in San Juan, Puerto Rico.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 901 of the Compromise Agreement follows the Senate Bill.

MODIFICATION OF AUTHORIZATION AMOUNT FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED FOR THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, NEW ORLEANS, LOUISIANA

Current Law

Current law contains no relevant provision.

Senate Bill

Section 201 of S. 3325, as amended, authorizes up to $995,000,000 for restoration, new construction, or replacement of the medical care facility for the VA Medical Center (VAMC) at New Orleans, Louisiana.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 902 of the Compromise Agreement modifies previous authorizations by providing $995,000,000 for restoration, new construction, or replacement of the medical care facility for the VAMC at New Orleans, Louisiana.

MODIFICATION OF AUTHORIZATION AMOUNT FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT PREVIOUSLY AUTHORIZED FOR THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, LONG BEACH, CALIFORNIA

Current Law

Current law contains no relevant provision.

Senate Bill

Section 202 of S. 3325, as amended, authorizes up to $117,845,000 to conduct seismic corrections on Buildings 7 and 126 at the VAMC in Long Beach, California.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 903 of the Compromise Agreement modifies previous authorizations by providing $117,845,000 to conduct seismic corrections on Buildings 7 and 126 at the VAMC in Long Beach, California.

AUTHORIZATION OF APPROPRIATIONS

Current Law

Current law contains no relevant provision.

Senate Bill

Section 204 of S. 3325, as amended, authorizes $47,338,000 to be appropriated to the Medical Facilities account for the leases authorized in section 901 and $1,112,845,000 to be appropriated to the Construction, Major Projects account for the projects authorized in sections 902 and 903.

House Bill

The House Bills contain no applicable provision.

Compromise Agreement

Section 904 of the Compromise Agreement generally follows the Senate Bill.

REQUIREMENT THAT BID SAVINGS ON MAJOR MEDICAL FACILITY PROJECTS OF DEPARTMENT OF VETERANS AFFAIRS BE USED FOR OTHER MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS OF THE DEPARTMENT

Current Law

Current law contains no relevant provision.

Senate Bill

Section 207 of S. 3325, as amended, contains a provision that requires that bid savings from major medical facility projects realized in any fiscal year must be used for major medical facility projects authorized for that fiscal year or a prior year. At the time of obligation, VA would be required to submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the House of Representatives notice of the source of the savings, the amount obligated, and the authorized project the savings are being obligated to.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 905 of the Compromise Agreement follows the Senate Bill.

TITLE X—OTHER MATTERS

TECHNICAL CORRECTIONS

Current Law

Current law contains no relevant provision.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 1001 of the Compromise Agreement contains technical corrections to title 38, U.S.C.

STATUTORY PAY-AS-YOU-GO ACT COMPLIANCE

Current Law

Public Law 111–139, the Statutory Pay-As-You-Go Act (PAYGO Act), requires that most new spending is offset by spending cuts or added revenue elsewhere.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 1002 of the Compromise Agreement contains language required by the PAYGO Act in order for the estimate of budgetary effects from the Senate Budget Committee to be used by the Office of Management and Budget on PAYGO scorecards.

Mr. DURBIN. I ask unanimous consent that an Akaka substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time; that a budgetary pay-go statement be considered read and printed in the RECORD; that the bill be passed; that the title amendment which is at the desk be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

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

Mr. CONRAD. Mr. President, this is the Statement of Budgetary Effects of PAYGO legislation for H.R. 3219, as amended.

Total Budgetary Effects of H.R. 3219 for the 5-year Statutory PAYGO Scorecard: net decrease in the deficit of $394 million.

Total Budgetary Effects of H.R. 3219 for the 10-year Statutory PAYGO Scorecard: net decrease in the deficit of $8 million.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 3219, THE VETERANS' BENEFITS ACT OF 2010 AS PROVIDED BY THE SENATE 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	−154	−70	−115	−55	74	74	77	79	82	−394	−8

[a] H.R. 3219 contains provisions that would both increase and decrease direct spending for eterans' programs. Affected programs include veterans' education and employment benefits, disability compensation and pensions, burial benefits, and housing and insurance benefits for disabled veterans.

The amendment (No. 4671) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

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

The bill (H.R. 3219) was read the third time and passed.

The amendment (No. 4672) was agreed to, as follows:

(Purpose: to amend the title)

Amend the title so as to read: ''An Act to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

60TH ANNIVERSARY OF THE FULBRIGHT PROGRAM IN THAILAND

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 408, S. Res. 469.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 469) recognizing the 60th Anniversary of the Fulbright Program in Thailand.

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

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 469) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 469

Whereas 2008 was the 175th anniversary of relations between the Kingdom of Thailand and the United States;

Whereas the Fulbright Program is sponsored by the Bureau of Educational and Cultural Affairs of the Department of State;

Whereas the Fulbright Program currently operates in over 150 countries;

Whereas the Thailand-United States Educational Foundation (TUSEF) was established by a formal agreement in 1950;

Whereas 2010 is the 60th anniversary of the Fulbright Program partnership with the Kingdom of Thailand;

Whereas approximately 1,600 Fulbright students and scholars from Thailand have studied, conducted research, or lectured in the United States;

Whereas 800 Fulbright grantees from the United States conducted research or gave lectures in Thailand from 1951 through 2008;

Whereas active consideration is being given to increasing the emphasis of the Fulbright Program in southern Thailand, including through the Fulbright English Teaching Assistantship Program; and

Whereas the United States Government supports additional programs in Thailand in the areas of education, democracy promotion, good governance, and public diplomacy: Now, therefore, be it

Resolved, That the Senate encourages the President to maintain and expand interaction with the Kingdom of Thailand in ways which facilitate close coordination and partnership in the areas of education and cultural exchange throughout all of Thailand, including the southern provinces.

FEED AMERICA DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 646.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 646) designating Thursday, November 18, 2010, as ''Feed America Day.''

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

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 646) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 646

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which the United States was founded;

Whereas, according to the Department of Agriculture, roughly 35,000,000 people in the United States, including 12,000,000 children, continue to live in households that do not have an adequate supply of food; and

Whereas selfless sacrifice breeds a genuine spirit of thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

Resolved, That the Senate—

(1) designates Thursday, November 18, 2010, as ''Feed America Day''; and

(2) encourages the people of the United States to sacrifice 2 meals on Thursday, November 18, 2010, and to donate the money that would have been spent on that food to the religious or charitable organization of their choice for the purpose of feeding the hungry.

RESOLUTIONS SUBMITTED TODAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 652, S. Res. 653, S. Res. 654, S. Res. 655, S. Res. 656, S. Res. 657, S. Res. 658, S. Res. 659, S. Res. 660, and S. Res. 661.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements relating to the resolutions be printed in the RECORD.

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

HONORING MR. ALFRED LIND

The resolution (S. Res. 652) honoring Mr. Alfred Lind for his dedicated service to the United States of America during World War II as a member of the Armed Forces and a prisoner of war, and for his tireless efforts on behalf of other members of the Armed Forces touched by war was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 652

Whereas Mr. Alfred Lind served in World War II from 1942 to 1945 as a member of the 58th Armored Field Artillery Battalion;

Whereas Mr. Lind was wounded in action in combat near Brolo, Sicily when his M-7 self-propelled howitzer was hit during a tank battle;

Whereas Mr. Lind was captured and held as a prisoner of war for 2 years, being transferred between Stalag IIB near Hammerstein, Stalag IIIB near Furstenberg, and Stalag IIIA near Luckenwalde;

Whereas, after the war, Mr. Lind returned to his roots as a farmer and retired after many years of hard work;

Whereas, after retiring, Mr. Lind turned his attention to supporting members of the Armed Forces by making quilts for the Quilts of Valor Foundation;

Whereas the Quilt of Valor Foundation distributes handmade quilts to members of the Armed Forces and veterans who have been wounded or touched by war to demonstrate support, honor and care for our Armed Forces;

Whereas the Quilt of Valor Foundation has made and distributed over 30,000 quilts to members of the Armed Forces and veterans since the foundation began in 2003;

Whereas Mr. Lind has made over 400 quilts in honor of other members of the Armed Forces who have been touched by war;

Whereas Mr. Lind passed away on September 10, 2010, at the age of 92; and

Whereas Mr. Lind was a true patriot, who continued his service to the Armed Forces of the United States long after his retirement: Now, therefore, be it

Resolved, That the Senate honors Mr. Alfred Lind for—

(1) his service to the United States as a soldier and as a prisoner of war; and

(2) his dedication to provide solace and comfort through Quilts of Valor to members of the Armed Forces and veterans alike.

NATIONAL DAY OF REMEMBRANCE FOR NUCLEAR WEAPONS PROGRAM WORKERS

The resolution (S. Res. 653) designating October 30, 2010, as national day of remembrance for nuclear weapons program workers was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 653

Whereas, since World War II, hundreds of thousands of men and women, including uranium miners, millers, and haulers, have served the United States by building the nuclear defense weapons of the United States;

Whereas these dedicated workers paid a high price for their service to develop a nuclear weapons program for the benefit of the United States, including having developed disabling or fatal illnesses;

Whereas, in 2009, Congress recognized the contribution, service, and sacrifice these patriotic men and women made for the defense of the United States;

Whereas, in the year prior to the approval of this resolution, a national day of remembrance time capsule has been crossing the United States, collecting artifacts and the stories of the nuclear workers relating to the nuclear defense era of the United States;

Whereas these stories and artifacts reinforce the importance of recognizing these nuclear workers; and

Whereas these patriotic men and women deserve to be recognized for the contribution, service, and sacrifice they have made for the defense of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 30, 2010, as a national day of remembrance for nuclear weapons program workers, including uranium miners, millers, and haulers, of the United States; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate October 30, 2010, as a national day of remembrance for past and present workers in the nuclear weapons program of the United States.

GOLD STAR WIVES DAY

The resolution (S. Res. 654) designating December 18, 2010, as ''Gold Star Wives Day'' was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 654

Whereas the Senate has always honored the sacrifices made by the spouses and families of the fallen members of the Armed Forces of the United States;

Whereas the Gold Star Wives of America, Inc. represents the spouses and families of the members and veterans of the Armed Forces of the United States who have died on active duty or as a result of a service-connected disability;

Whereas the primary mission of the Gold Star Wives of America, Inc. is to provide services, support, and friendship to the spouses of the fallen members and veterans of the Armed Forces of the United States;

Whereas, in 1945, the Gold Star Wives of America, Inc. was organized with the help of Mrs. Eleanor Roosevelt to assist the families left behind by the fallen members and veterans of the Armed Forces of the United States;

Whereas the first meeting of the Gold Star Wives of America, Inc. was in 1945;

Whereas December 18, 2010, marks the 65th anniversary of the incorporation of the Gold Star Wives of America;

Whereas the members and veterans of the Armed Forces of the United States bear the burden of protecting freedom for the United States; and

Whereas the sacrifices of the families of the fallen members and veterans of the Armed Forces of the United States should never be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 18, 2010, as ''Gold Star Wives Day'';

(2) honors and recognizes—

(A) the contributions of the members of the Gold Star Wives of America, Inc.; and

(B) the dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(3) encourages the people of the United States to observe ''Gold Star Wives Day'' to promote awareness of—

(A) the contributions and dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(B) the important role the Gold Star Wives of America, Inc. plays in the lives of the spouses and families of the fallen members and veterans of the Armed Forces of the United States.

STOMACH CANCER AWARENESS MONTH

The resolution (S. Res. 655) designating November 2010 as ''Stomach Cancer Awareness Month'' and supporting efforts to educate the public about stomach cancer was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 655

Whereas stomach cancer is one of the most difficult cancers to detect and treat in the early stages of the disease, which contributes to high mortality rates and human suffering;

Whereas stomach cancer is the second leading cause of cancer mortality worldwide;

Whereas, in 2009, an estimated 21,000 new cases of stomach cancer were diagnosed in the United States;

Whereas, in 2010, an estimated 10,000 Americans will die from stomach cancer;

Whereas the estimated 5-year survival rate for stomach cancer is only 26 percent;

Whereas approximately 1 in 113 individuals will be diagnosed with stomach cancer in their lifetimes;

Whereas an inherited form of stomach cancer carries a 67 to 83 percent risk that an individual will be diagnosed with stomach cancer by age 80;

Whereas, in the United States, stomach cancer is more prevalent among racial and ethnic minorities;

Whereas better patient and health care provider education is needed for the timely recognition of stomach cancer risks and symptoms;

Whereas more research into effective early diagnosis, screening, and treatment for stomach cancer is needed; and

Whereas November 2010 is an appropriate month to observe ''Stomach Cancer Awareness Month'': Now, therefore, be it

Resolved, That the Senate—

(1) designates November 2010 as ''Stomach Cancer Awareness Month'';

(2) supports efforts to educate the people of the United States about stomach cancer;

(3) recognizes the need for additional research into early diagnosis and treatment for stomach cancer; and

(4) encourages the people of the United States and interested groups to observe and support November 2010 as ''Stomach Cancer Awareness Month'' through appropriate programs and activities to promote public awareness of, and potential treatments for, stomach cancer.

EXPRESSING SUPPORT FOR THE INAUGURAL USA SCIENCE & ENGINEERING FESTIVAL

The resolution (S. Res. 656) expressing support for the inaugural USA Science & Engineering Festival was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 656

Whereas the global economy of the future will require a workforce that is educated in the fields of science, technology, engineering, and mathematics (referred to in this preamble as ''STEM'');

Whereas a new generation of American students educated in STEM is crucial to ensure continued economic growth;

Whereas advances in technology have resulted in significant improvements in the daily lives of the people of the United States;

Whereas scientific discoveries are critical to curing diseases, solving global challenges, and expanding our understanding of the world;

Whereas strengthening the interest of American students, particularly young

women and underrepresented minorities, in STEM education is necessary to maintain the global competitiveness of the United States;

Whereas countries around the world have held science festivals that have brought together hundreds of thousands of visitors to celebrate science;

Whereas the inaugural 2009 San Diego Science Festival attracted more than 500,000 participants and inspired a national STEM effort;

Whereas the mission of the USA Science & Engineering Festival is to reinvigorate the interest of the young people of the United States in STEM by producing exciting and educational science and engineering gatherings; and

Whereas thousands of individuals from 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 organize the inaugural USA Science & Engineering Festival across the United States, including a 2-day exposition on the National Mall that will feature more than 1,500 hands-on activities and more than 75 stage shows: Now, therefore, be it

Resolved, That the Senate—

(1) expresses the support of the Senate for the inaugural USA Science & Engineering Festival to be held in October 2010 in Washington, D.C.;

(2) commends the Nobel Laureates, institutions of higher education, corporate sponsors, and all the various organizations whose efforts will make the USA Science & Engineering Festival possible; and

(3) encourages students and their families to participate in the activities which will take place on the National Mall and across the United States at satellite locations as part of the inaugural USA Science & Engineering Festival.

Mr. KAUFMAN. Mr. President, I rise today to express my support for the inaugural USA Science & Engineering Festival.

As the only serving Senator who has worked as an engineer, I am proud to sponsor a resolution acknowledging the importance of science and engineering education.

I would also like to thank Majority Leader REID and Senators AKAKA, BAUCUS, and ROCKEFELLER for joining me in introducing this resolution.

I have spoken many times on the Senate floor about the need to inspire a new generation of graduates educated in science, technology, engineering, and mathematics, or STEM. According to a report released last week by the National Academy of Sciences, the United States ranks 27th among developed nations in the proportion of college students receiving undergraduate degrees in engineering or science. This trend must be reversed.

Last year, the science community of greater San Diego recognized this need and launched the inaugural San Diego Science Festival. According to the festival's Web site, part of its mission was to demonstrate to students that careers in STEM are ''interesting, accessible, and a pathway to a better future.'' By all accounts, the San Diego Science Festival was sensational and attracted more than 500,000 participants which inspired a national STEM effort—the USA Science & Engineering Festival.

Hosted by Lockheed Martin, the USA Science & Engineering Festival is a grassroots collaboration of over 500 of the Nation's leading science organizations, including professional science and engineering societies, universities, government agencies, industry partners, and K–12 schools working to reinvigorate young people's interest in STEM. It also has a strong advisory board including Nobel Laureates, leaders of Fortune 100 technology and science companies, innovators, scientists, and STEM educators.

The festival launches in the Washington, DC area on October 10 and culminates in a 2-day expo on the National Mall on October 23 and 24. It will feature more than 1,500 hands-on activities and more than 75 stage shows. At the same time, dozens of satellite locations will be hosting festival events across the country. This first-ever national science festival is gearing up to be an extremely successful event.

I believe that encouraging more students to pursue careers in the STEM fields, particularly young women and underrepresented minorities, is necessary to maintaining our economic and global competitiveness. Countries around the world have held science festivals in support of STEM education and I am so pleased that the United States is on the eve of doing the same. I commend those individuals who are working hard to make the USA Science & Engineering Festival a success and I encourage students and families across the country to participate in this extraordinary event.

CELEBRATING THE 75TH ANNIVERSARY OF THE DEDICATION OF THE HOOVER DAM

The resolution (S. Res. 657) celebrating the 75th anniversary of the dedication of the Hoover Dam was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 657

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 Hoover Dam created Lake Mead, a reservoir that can store an amount of water that is equal to 2 years average flow of the Colorado River;

Whereas the construction of the Hoover Dam provided vitally critical flood control, water supply, and electrical power and helped to 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;

Whereas the Hoover Dam provides water for more than 18,000,000 people and 1,000,000 acres of farmland in the States of Arizona, California, and Nevada and 500,000 acres of farmland in Mexico, as well as produces an average of 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 the time the Hoover Dam was constructed;

Whereas the Hoover Dam is an enduring symbol of the ingenuity of the United States and the persistence of hardworking Americans during 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 National Register of Historic Places and is considered 1 of 7 modern engineering wonders by the American Society of Civil Engineers: Now, therefore, be it

Resolved, That the Senate—

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

(2) celebrates and acknowledges the economic, cultural, and historic significance of the Hoover Dam;

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

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

NATIONAL CHARACTER COUNTS WEEK

The resolution (S. Res. 658) designating the week beginning October 17, 2010, as ''National Character Counts Week'' was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 658

Whereas the well-being of the United States requires that the young people of the United States become an involved, caring citizenry of good character;

Whereas the character education of children has become more urgent, as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the United States;

Whereas effective character education is based on core ethical values, which form the foundation of a democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those that have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of ''National Character Counts Week'', during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations focus on character education, is of great benefit to the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning October 17, 2010, as ''National Character Counts Week''; and

(2) calls upon the people of the United States and interested groups—

(A) to embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) to observe the week with appropriate ceremonies, programs, and activities.

Mr. DODD. Mr. President, today Senator GRASSLEY and I resubmitted a resolution designating the third week of October as National Character Counts Week. Last year, Senator GRASSLEY and I worked together on the issue of character education, and I am pleased to continue to designate a special week to this cause. I hope that with this resolution we may highlight the importance of character building activities in schools not only this week but all year long.

Since 1994, when the Partnerships in Character Education Pilot Project was first established, I have worked to commemorate National Character Counts Week. Character Counts was founded on a simple notion: our core ethical values are not just important to us as individuals—they form the very foundation of democratic society. We know that in order to face our challenges as communities and as a Nation, we need our children to be both well-educated and trained—and that begins with instilling character in our children. Trustworthiness, respect, responsibility, fairness, caring, and citizenship—these are the six pillars of character.

Character education provides students a context within which to learn those values and integrate them into our daily lives. Indeed, if we view education simply as the imparting of knowledge to our children, then we not only miss an opportunity, but we also jeopardize our future.

The American public wants character education in our schools, too. Studies show that approximately 90 percent of Americans support schools teaching character education. Character education programs work. Currently, there are character education programs across all 50 States in rural, urban and suburban areas at every grade level. Schools across the country that have adopted strong character education programs report better student performance, fewer discipline problems, and increased student involvement within the community.

This renewed focus on character sends a wonderful message to Americans and will help reinvigorate our efforts to get communities and schools involved. With this resolution, it is my hope that even more communities will make character education a part of every child's life. I hope that my colleagues will support this important effort.

SUPPORTING ''LIGHTS ON AFTERSCHOOL''

The resolution (S. Res. 659) supporting ''Lights On Afterschool,'' a national celebration of afterschool programs, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 659

Whereas high-quality afterschool programs provide safe, challenging, engaging, and fun learning experiences that help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high-quality afterschool programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends;

Whereas high-quality afterschool programs build stronger communities by involving students, parents, business leaders, and adult volunteers in the lives of the youth of the Nation, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high-quality afterschool programs engage families, schools, and diverse community partners in advancing the well-being of the children in the United States;

Whereas ''Lights On Afterschool'', a national celebration of afterschool programs held on October 21, 2010, highlights the critical importance of high-quality afterschool programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and 15,100,000 children in the United States have no place to go after school; and

Whereas many afterschool programs across the United States are struggling to keep their doors open and their lights on: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of ''Lights On Afterschool'', a national celebration of afterschool programs.

Mr. DODD. Mr. President, today Senator ENSIGN and I have submitted a resolution designating October 21, 2010, Lights On Afterschool Day. Lights On Afterschool brings students, parents, educators, lawmakers, and community and business leaders together to celebrate afterschool programs. This year, more than 1 million Americans are expected to attend about 7,500 events designed to raise awareness and support for these much needed programs.

In America today, one in four youth—more than 15 million children—go home alone after the school day ends. This includes more than 40,000 kindergartners and almost 4 million middle school students in grades six to eight. On the other hand, only 8.4 million children, or approximately 15 percent of school-aged children, participate in afterschool programs. An additional 18.5 million would participate if a quality program were available in their community.

Lights On Afterschool, a national celebration of afterschool programs, is celebrated every October in communities nationwide to call attention to the importance of afterschool programs for America's children, families and communities. Lights On Afterschool was launched in October 2000 with celebrations in more than 1,200 communities nationwide. The event has grown from 1,200 celebrations in 2001 to more than 7,500 today. This October, 1 million Americans will celebrate Lights On Afterschool.

Mr. President, quality afterschool programs should be available to children in all communities. These programs support working families and prevent kids from being both victims and perpetrators of violent crime. They also help parents in balancing work and home-life. Quality afterschool programs help to engage students in their communities, and when students are engaged, they are more successful in their educational endeavors.

As co-chairmen of the Senate Afterschool Caucus, Senator ENSIGN and I have been working for more than 5 years to impress upon our colleagues the importance of afterschool programming. It is our hope that they will join

us on October 21 to celebrate the importance of afterschool programs in their communities back home.

EXPRESSING SUPPORT FOR A PUBLIC DIPLOMACY PROGRAM PROMOTING ADVANCEMENTS IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS

The resolution (S. Res. 660) expressing support for a public diplomacy program promoting advancements in science, technology, engineering, and mathematics made by or in partnership with the people of the United States was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 660

Whereas science, technology, engineering, and mathematics are vital fields of increasing importance in driving the economic engine and ensuring the security of the United States;

Whereas science, technology, engineering, and mathematics have played, and will continue to play, critical roles in helping to develop clean energy technologies, find lifesaving cures for diseases, solve security challenges, and discover new solutions for deteriorating transportation and infrastructure;

Whereas the United States is recognized as an international leader in science, technology, engineering, and mathematics and a destination for individuals from all over the world studying in those fields;

Whereas in partnership with countries and individuals across the globe, the people of the United States have made advances in science, technology, engineering, and mathematics that have advanced the knowledge and improved the condition of human beings everywhere;

Whereas international scientific cooperation enhances relationships among participating countries by building trust and increasing understanding between those countries and cultures through the collaborative nature of scientific dialogue;

Whereas partnerships between the people of other countries and the people of the United States are the most effective form of public diplomacy, helping to counter misconceptions based on fear, ignorance, and misinformation;

Whereas consistent polling and scholarly research have shown that even countries that disagree with some aspects of United States foreign policy admire the leadership of the United States in science, technology, engineering, and mathematics; and

Whereas international scientific cooperation has produced successful engagement and led to improved relations with countries that exhibited hostility to the United States in the past, including Russia and the People's Republic of China: Now, therefore, be it

Resolved, That the Senate—

(1) commends individuals and institutions that participate in and support advancements in science, technology, engineering, and mathematics, especially through international partnerships;

(2) supports the Science Envoy Program as representative of the commitment of the United States to collaborate with other countries to promote the advancement of science and technology throughout the world based on issues of common interest and expertise; and

(3) encourages the Secretary of State to establish a public diplomacy program that uses embassies of the United States and the resources of the Smithsonian Institution and other such institutions—

(A) to establish engaging exhibits that provide examples of cooperation between institutions and the people of the United States and the institutions and people of the host country in the fields of science, technology, engineering, and mathematics;

(B) to create fora for individuals working or conducting research in science, technology, engineering, and mathematics in the host country to discuss their work and the cooperation with the institutions and people of the United States and those of the host country; and

(C) to encourage future cooperation and relationships with students around the world in science, technology, engineering, and mathematics.

SENATE LEGAL COUNSEL AUTHORIZATION

The resolution (S. Res. 661) to authorize representation by the Senate Legal Counsel in the case of McCarthy v. Byrd, et al. was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 661

Whereas, in the case of McCarthy v. Byrd, et al., Case No. 1:10–CV–03317, pending in the United States District Court for the District of New Jersey, plaintiff has named as a defendant the President Pro Tempore of the Senate; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members and officers of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Inouye, the President Pro Tempore of the Senate, in the case of McCarthy v. Byrd, et al.

Mr. REID. Mr. President, this resolution concerns a civil action filed against the President pro tempore of the Senate and the Speaker of the House of Representatives seeking to have the Federal courts order Congress to pass legislation enacting the plaintiff's proposal to purportedly save Social Security. This lawsuit seeking to compel the Congress to take legislative action is not cognizable before the Federal courts. This resolution authorizes the Senate Legal Counsel to represent the President pro tempore, Senator INOUYE, in this case and to move for its dismissal.

ORDERS FOR WEDNESDAY, SEPTEMBER 29, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, September 29; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that after any leader remarks, the Senate proceed to a period of morning business until 10 a.m., with the time equally divided between the two leaders or their designees; that following morning business, the Senate debate the motion to proceed to S.J. Res. 39 as provided for under the previous order; that upon disposition of the joint resolution, the Senate resume consideration of the motion to proceed to H.R. 3081, the legislative vehicle for the continuing resolution; and that the Senate recess from 12:30 until 2:15 to allow for the caucus meetings. Finally, I ask that any time during consideration of the motion to proceed to S.J. Res. 39, morning business, recess, or adjournment count postcloture.

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

PROGRAM

Mr. DURBIN. Mr. President, Senators should expect the first vote of the day to begin at 12 noon. That vote will be on the motion to proceed to S.J. Res. 39, a joint resolution providing for congressional disapproval of a rule relating to status as a grandfathered health plan under the Patient Protection and Affordable Care Act. We are also working on an agreement to complete action on the continuing resolution tomorrow. Senators will be notified when any additional votes are scheduled.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:13 p.m., adjourned until Wednesday, September 29, 2010, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, September 28, 2010*

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 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 gang 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 of the past 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 life-saving endeavor.

But today we specifically recognize the men and women of the United States Air Force. Their commitment to excellence has raised aeromedical evaluation to an unprecedented level of success. One only has to travel to Andrews Air Force Base to witness first-hand 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. THOMPSON of California. Mr. Speaker, I rise in strong support of House Resolution 1605, which recognizes the service of medical and air crews in helping our wounded warriors make the expeditious and safe trip home to the United States and commends the personnel of the Air Force for their commitment to the well-being of all our service men and women.

The Air Force's Aeromedical Evacuation Squadrons help guarantee that our wounded soldiers are quickly reunited with their families and given the best medical care in U.S. hospitals. Since September 11, 2001, Aeromedical Evacuation flights have been responsible for transporting over 81,000 patients from Operation Enduring Freedom and Operation Iraqi Freedom, yielding a 98 percent survival rate for injured soldiers. Today, a soldier injured on the battlefield in Afghanistan or Iraq will be back in an American hospital in an average of three days. This is over seven days faster than during Operation Desert Storm and over 40 days quicker than during the conflict in Vietnam.

As a veteran who was wounded in Vietnam, I was flown into Travis Air Force Base in Northern California. Travis Air Force Base is now home to the 349th Aeromedical Evacuation Squadron. These physicians, nurses and medical technicians go above and beyond the call of duty every day.

I am honored to bring this resolution to the floor and remain committed to supporting our Armed Forces.

Mr. RANGEL. Mr. Speaker, I rise today to express my support for H. Res 1605, a bill 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.

These physicians, nurses, technicians, and flight air crews represent squadrons of the Air Force Reserve, Air Force National Guard, and Air Force Active Duty. I thank my colleague, Congressman MIKE THOMPSON, for introducing this bill, which gives us the opportunity to pay tribute to the dynamic support these crews provide to our troops. We commend these Air Force members for their commitment to the well-being of all our service men and women.

Aeromedical services are essential to the success of our Armed Forces, contributing to a survival rate of 98 percent—the lowest mortality rate of any war in U.S. history. Medical and air personnel closely tend to the urgent medical needs of our troops ensuring that they return home with their lives intact. We salute them.

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.

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.

Mr. ADERHOLT. Mr. Speaker, as has been mentioned the monument that is being debated has stood in the Mojave Desert for 75 years to honor our veterans. It stood there, that is, until the night of May 9th when vandals stole it. This memorial was a 7-foot cross that has endured much turmoil including a recent legal attempt to have the cross removed, which was turned away by the Supreme Court.

Those responsible for the disappearance of the cross have shown disrespect for both veterans and this Nation's legal process.

I would also like to commend the VFW for their determination in the face of this disrespectful act. They have vowed that the memorial will be rebuilt and are offering a $125,000 reward for information leading to an arrest.

President George Washington once said, ''The willingness with which our young people are likely to serve in any war shall be directly proportional to how they perceive the Veterans of earlier wars were appreciated by their nation.''

I think President Washington would agree that this appreciation includes allowing our veterans' memorials to stand in honor of them.

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 2891, 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. 714, 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. 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. 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.

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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.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 6132, which improves the social services currently offered by the U.S. Department of Veterans Affairs, VA, by reaching out to and providing benefits for many veterans not currently enrolled accounted for under our current federally-funded programs.

I want to thank Chairman FILNER for his leadership in bringing this resolution to the floor. I also thank the Congressman for sponsoring this legislation and for his dedication to ensuring that this nation does everything it can to repay our veterans for the sacrifices they have made to protect us.

Mr. Speaker, as the representative of a district that is home to over 23,000 veterans and the VA Medical Center of Long Beach, I know how important it is to ensure that our veterans have the resources to access affordable health care, housing, and financial security.

H.R. 6132 establishes a transition program for new veterans not eligible for other employment aid programs. With 40 percent of young veterans from who Iraq and Afghanistan more likely to be unemployed than anyone in their age group, it is vital that we continue to demonstrate our support for them through bills such as this.

The bill's provisions are aimed at directly improving the disability claim system by extending the 120-day limit for filing an appeal to the Court of Veterans Appeals after a final decision of the Board of Veterans' Appeals. The bill would also increase the pension amount for Medal of Honor recipients, establish an award program that will allow the VA to recognize businesses for their contributions to veteran employment, and protect veterans from losing their non-service connected pension benefits.

Mr. Speaker, the bold actions taken by Congress and the Administration thus far have been critical in assisting our courageous Veterans. Not only have they provided the vital services that our veterans have earned, but they also equip our former soldiers with the resources they need to lift them out of unemployment and live stable, healthy lives.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 6132.

Mr. HALL of New York. Mr. Speaker, thank you for the opportunity to speak this morning. I rise in support of several pieces of legislation before us this week that aim to improve the lives of our Nation's veterans.

As Chairman of the House Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs, it was my honor and privilege to help move some of these bills forward. I also thank the sponsors of these bills for their commitment to our veterans.

These bills make substantial improvements to the VA's job training programs, making veterans more attractive to small businesses to hire and train, and to ensure that veterans suffering from PTSD and other mental conditions are able to appeal their claims decisions if they miss an arbitrary deadline, set by a bureaucrat.

I strongly support the provision in H.R. 6132 which will allow veterans receiving a pension from the VA to keep receiving their pension in the event they are awarded a settlement for loss or injury. This will correct an extremely unfair part of current law that includes these payments as income when determining a veteran's eligibility for a means-based pension.

I am also glad that the House is addressing the issue of Retained Asset Accounts. We have heard a great deal about these accounts for recipients of Service Group Life Insurance Policies. H.R. 5993 will ensure that the families of veterans understand their rights and are fully informed of their options when their loved one passes.

Thank you again Mr. Speaker, and thank you to Chairman FILNER for his assistance in bringing these bills forward. I encourage all of my colleagues to vote in favor of these important bills.

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.

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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. LATHAM. Mr. Speaker, I strongly urge my colleagues to support H.R. 3787, which I joined my colleague the gentleman from Minnesota in introducing. Our military increasingly

depends on the National Guard and Reserve to keep our country safe. Men and women who served our country faithfully for decades deserve full recognition as veterans, even if they were never deployed. The legislation would extend full veteran status under federal law to retired members of the Guard and Reserve. Current law does not consider Guard and Reserve members to be veterans unless they were deployed for more than 30 days. The policy excludes many soldiers in the Guard and Reserve who, while never deployed for long periods of time, carried out critical support roles during times of war and peace, engaged in frequent and often dangerous training exercises, and stood ready to risk their lives to protect our nation during military careers that spanned decades. This legislation recognizes the service and sacrifice of National Guard and Reserve retirees and grants them the full honor of being called veterans that they have earned. I urge my colleagues to support this legislation, which is a matter of honor and fairness to our citizen soldiers.

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.

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.''

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.

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.

Mrs. HALVORSON. Mr. Speaker, the intent of H.R. 5993, the Securing America's Veterans Insurance Needs and Goals (SAVINGs) Act is to increase transparency and disclosure of the Servicemembers Group Life Insurance (SGLI) program. The intent is to increase financial counseling for beneficiaries and to allow Congress to play a better role in providing oversight and access of the program.

It is not the intent of H.R. 5993 to have Congress weigh in on the legal question of whether or not the Department of Veterans Affairs has the authority to allow 'retained asset accounts'. The language in H.R. 5993 is not intended to validate in any manner whether 'retained asset accounts' are authorized in section 1970(d) of title 38, United States Code.

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. 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. 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. 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. RICHARDSON. Mr. Speaker, I rise today in support of H. Res. 1617, which supports the goals and ideals of Gold Star Mothers Day. Gold Star Mothers Day is observed on the last Sunday of September each year. I am proud to cosponsor H. Res. 1617, and I thank my colleague, Congressman ROSKAM for introducing this resolution.

Gold Star Mothers Day reminds us all of the ultimate sacrifice made by our men and women in uniform who gave their lives for our country. We also remember the mothers of our fallen soldiers who have to deal with the pain of losing their child.

On June 4, 1928, the American Gold Star Mothers, Inc. was established when twenty-five mothers who lost a child in World War I met in Washington, DC. Membership was later opened to mothers who lost children in other armed conflicts. Congress then designated the last Sunday as Gold Star Mothers Day on June 23, 1936.

These remarkable women have turned their grief into service to others. Gold Star Mothers provides a mutual bond of sympathy and support. They also assist veterans and their dependents with VA claims, and provide aid to service members and their families who have died or were wounded during active duty.

Mr. Speaker, I also want to recognize the 11 service members from Long Beach, California, which is in my district, who lost their lives during Operation Iraqi Freedom and Operation Enduring Freedom. They are: Pfc. Sephen Castellano, Sgt. Anthony Davis, Jr., Pvt. Ernesto Guerra, Spec. Roberto Martinez Salazar, Pfc. David T. Toomalatai, Staff Sgt. Joshua Whitaker, Sgt. 1st Class Randy Collins, Sgt. Israel Garcia, Pfc. Lyndon Marcus, Jr., Spec. Astor Sunsin-Pineda, Pfc. George Torres. I ask my colleagues to join me in thanking and remembering these individuals for their service to our country, and to keep their families and especially their mothers in our thoughts and prayers.

Mr. Speaker, I ask my colleagues to join me in supporting H. Res. 1617.

Mr. RANGEL. Mr. Speaker, I rise today to express my support in recognition of Gold Star Mothers Day, which is celebrated the last Sunday of September. These mothers have given the supreme sacrifice for their country: they have lost a son or daughter serving in the Armed Forces. But instead of mourning alone, these courageous women have taken their personal loss and used it to help others in the same situation.

Several weeks ago, I hosted the Congressional Black Caucus Annual Legislative Conference, along with Rep. CORRINE BROWN of Florida and Rep. SANFORD BISHOP of Georgia. At that conference, we were honored to have here with us Ms. Aseneth Blackwell, a former President of the Gold Star Wives of America, a sister organization of the Gold Star Mothers. Both members of these organizations have lost loved ones in service for their country.

These honorable women provide support to those who may not know who to turn to. They provide a listening ear and sympathetic voice to the bereaved, because they have been there too. They assist veteran's families in understanding and obtaining the benefits provided by the government for veteran's families. And they make sure that the Nation never forgets those sacrifices made by the men and women of the Armed Forces.

My condolences go out to any family member that has lost a spouse, a child, or a parent in the service of their country. That is why I am proud to speak today on behalf of this bill that recognizes the sacrifice made by mothers of this country, by observing Gold Star Mothers Day. I also commend President Obama for his proclamation on September 24th, asking the public to observe this special day with them.

Mr. ROSKAM. Mr. Speaker, I rise today to recognize Gold Star Mothers day, which was observed on the last Sunday of September. This day commemorated the supreme sacrifice made by those who have lost a son or daughter serving in the Armed Forces. By honoring these mothers, we also remember all those who have given their lives in service for our country.

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. Their services have strengthened and inspired Americans throughout the history of the United States.

The sacrifice of Gold Star Mothers emphasizes the role of the home and the family as the true foundation of the United States. The American mother is a source of moral and

spiritual guidance for the people of the United States; she acts as a positive force to promote good government and peace among all mankind.

For more than eighty years, American Gold Star Mothers have banded together to show their pride and love of our country. These women have given their time and effort to honor all fallen children and assist veterans. In spite of their grief, they have demonstrated an ardent support for and deep service of our country.

Mr. Speaker and Distinguished Colleagues, please join me in recognizing the heroic precedent set by Gold Star Mothers and their legacy of patriotism, sacrifice, and service.

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 retransfer 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. 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 noncustodial 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. BECERRA. Mr. Speaker, I rise today in support of H. Res. 1326, a resolution calling on the Government of Japan to immediately address the urgent problem involving United States citizen children who are abducted by one parent and unlawfully taken to Japan without intervention by the Japanese Government.

This resolution urges the Government of Japan to work closely with the United States Government to return American children to their custodial parent in the United States and to adopt the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

As a father of three beautiful daughters, I have cherished every moment I have spent watching them grow up and I look forward to seeing them continue to develop into confident, young women. Sadly, not all parents have been as fortunate as me.

Since 1994, the State Department's Office of Children's Issues had opened 194 cases involving 214 American children taken to Japan. As of March 25, 2010, there were 95 open cases involving 136 American children abducted or wrongfully retained in Japan. One of those cases is that of Melissa Braden, the daughter of one of my constituents, Patrick Braden.

In the midst of a custody dispute in 2006, Melissa was taken to Japan by her mother in violation of a court order giving both parents access to the child and prohibiting either parent from taking Melissa outside of the United States. Melissa has been in Japan ever since. Despite an arrest warrant issued by the FBI for her mother, Japanese authorities have refused to act on this case. Japanese courts give no recognition to the parental rights of the non-Japanese parent, and the Japanese government refuses to enforce U.S. court orders related to child custody or visitation.

I have tried for the past 3 years to help secure the return of Melissa or at the very least reunite Mr. Braden with his daughter in Japan. Unfortunately, Japan is not a signatory to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. Parties to the Hague Abduction Convention agree to promptly return a child who is living in one Convention country and who has been removed to or retained in another Convention country in violation of a left-behind parent's custodial rights. I spoke about Melissa's case before this body last year, but it is important that I continue to speak about her case so that other parents do not have to live through what Mr. Braden is still experiencing today.

As my mother once told me: there is nothing worse than losing your own child, especially when your child is still alive. I thank Chairman BERMAN for his support of this issue and Mr. MORAN of Virginia and Mr. SMITH of New Jersey for standing up for America's parents and children.

I urge all of my colleagues to support this resolution to secure action on behalf of our American families with children retained in Japan.

Mr. HOLT. Mr. Speaker, the resolution before us this week addresses a painful issue: the problem of international parental child abduction. Over the last several years, I've gained a greater understanding of this problem through the travails of one of my constituents, Mr. David Goldman of Tinton Falls, New Jersey. As the case involving his son, Sean, has received international media attention, I will not revisit all of the details of that case now. Suffice it to say that even with a treaty on his side—the Hague Convention on the Civil Aspects of International Child Abduction—Mr. Goldman needed my help and that of our State Department, along with countless other generous Americans, to finally secure the return of his son in December 2009. Their 5½ year separation and the legal maneuvering surrounding the case helped focus the world's attention on the problem of international parental child abduction, but unfortunately, the overall problem remains.

Over the last decade alone, thousands of American children have been kidnapped by a foreign-born parent and taken to other countries, where the American-born parents inevitably face a years-long process of trying to recover their children. In the case of Japan—which is not a signatory to the Hague Convention—it has proven literally impossible for American parents to recover their parentally-kidnapped children. The resolution before us calls upon the government of Japan to facilitate the resolution of all such abduction cases, and to ratify the Hague Convention on the Civil Aspects of International Child Abduction. Nearly a year ago, the members of the Tom Lantos Human Rights Commission received testimony from parents whose children had been parentally kidnapped to Japan. Each story was heartbreaking, and the frustration and sense of despair of the affected parents was palpable. H. Res. 1326 will send a clear message to the government of Japan that the Congress remains seized of this issue, and it will also remind the affected parents that we stand with them and that we know we have much more work to do on behalf of their abducted children. I'm proud to be a co-sponsor of this measure, and I urge my colleagues to support it.

Mrs. BLACKBURN. Mr. Speaker, I rise today in support of House Resolution 1326. It is time to reunite the families torn apart by the abduction and retention of American children in Japan.

In Tennessee, we have personally been affected by this issue. Sadly I have constituents that await the passage of this resolution with high hopes and are eager to see their children returned home.

Without an agreement on international child abduction between the U.S. and Japan, many children are left in limbo between feuding parents. Custodial arrangements are created to provide the optimal environment for children after a divorce. When foreign countries choose to not recognize these agreements, they are harming the well being of the children.

The best and most immediate solution to this issue is for Japan to adopt the Hague Convention on the Civil Aspects of International Child Abduction. This agreement protects the rights of both parents while ensuring the heath and safety of the children.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise in support of House Resolution 1326, a resolution calling on the Government of Japan to immediately address the growing problem of American children abducted to Japan.

Since 1994, the Office of Children's Issues—commonly referred to as OCI—at the United States State Department had opened 194 cases involving 269 U.S. children abducted to or wrongfully retained in Japan. As of March 25, 2010, OCI had 85 open cases involving over 121 American children abducted to Japan. Of these abducted children, Keisuke Collins, is the son of one of my constituents, Randy Collins.

Unfortunately, since the signing of the Treaty of Peace with Japan between the Allied Powers and the Government of Japan in 1951, the Japanese Government has never issued and enforced a legal decision to return a single abducted child to the United States. In addition, Japan has not agreed to the 1980 Hague Convention on the Civil Aspects of International Child Abduction, which has resulted in the continued absence of an immediate remedy that would enable the expedited return of abducted children to their custodial parent in the United States. Sadly, the Government of Japan is the only G–7 country that has not acceded to the Hague Convention.

This problem is also compounded by Japan's legal system. Because Japan's existing family law system does not recognize joint custody nor actively enforces parental access agreements for both its own citizens and foreigners, there is little hope for children to have contact with the noncustodial parent in violation of internationally recognized and protected rights. What is worse, the Government of Japan has repeatedly claimed to foreign governments that parental child abduction is not considered a crime in Japan despite the fact that Article 3 of the Japanese Penal Code does indeed make it a crime for a Japanese citizen to abduct a child and move the child across national borders.

Although Japan's current Justice Minister said upon her appointment that she is determined to show that Japan ''is very proactive'' in adopting international protocols and conventions that are the ''international standard,'' child abductions to Japan continue to be a very serious and rampant problem. Consequently, is critical for the United States and Japan to work together to prevent future incidents of international parental child abduction to Japan.

As such, I call on my colleagues to support House Resolution 1326. This resolution calls on the Government of Japan to immediately address the growing problem of abduction to and retention of American children in Japan. The resolution also calls on Japan to work closely with the United States to return these children to their custodial parent in the United States and to provide left-behind parents immediate access to their children. Lastly, House Resolution 1326 calls on Japan to immediately adopt the 1980 Hague Convention on the Civil Aspects of International Child Abduction so that these abducted children can be returned to their custodial parent.

As an original cosponsor of this resolution, it is of utmost importance to not only me, but to my constituents Randy and Keisuke, that it is passed with the overwhelming support of

the House of Representatives. These abducted kids—and their families—cannot wait any longer.

Mr. SMITH of New Jersey. Mr. Speaker, I would like to submit the names of the children abducted to Japan whose left-behind American parent has contacted me directly.

M.B., abducted to Japan July 21, 1995

E.B., abducted to Japan July 21, 1995

Ezra Lui, abducted to Japan November 13, 1999

Kaira Kelly Litwiller, abducted to Japan June 10, 2003

Takoda Tei Weed, abducted to Japan January 16, 2004

Tiana Kiku Weed, abducted to Japan January 16, 2004

Kento Didier Touboule, abducted to Japan October 15, 2005

Mary Victoria Lake, abducted to Japan August 2005

Kai Hachiya, abducted to Japan December 28, 2006

Masahiro Brown, abducted in Japan since April of 2007

David N. Gessleman, abducted to Japan May 13, 2007

Joshua K. Gessleman, abducted to Japan May 13, 2007

Kaya Summer Xiao-Lian Wong, abducted to Japan August 2007

Wayne Kosaku Sawyer, abducted to Japan December 15, 2008

Yuuki Patrick McCoy (Kojima), abducted in Japan August 17, 2008

Keisuke Christian Collins, abducted to Japan June 16, 2008

Sean Hillman, abducted to Japan July 5, 2008

Kana Sugiyama-Gomez, abducted to Japan April 10, 2008

Joe Yamada, abducted to Japan September 1, 2008

Grace Danielle Starr, abducted to Japan January or February 2009

Brian Senna Starr, abducted to Japan January or February 2009

''Mochi'' Atomu Imoto Morehouse, abducted to Japan June 23, 2010

Mr. Speaker, the United States is currently seeking the return of at least 136 abducted American children.

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. 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. 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 non-recognized, 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. WHITFIELD. Madam Speaker, I rise today to voice my strong opposition to H. Res. 1631, a one-sided resolution that seeks to advance political interests under the guise of the protection of religious sites on the island of Cyprus. This resolution carries with it the potential to significantly damage relations between Turkish and Greek Cypriots at a time when reconciliation talks are at a critical stage. In fact, the United Nations special envoy for Cyprus expressed hope that, an agreement on the divided island could be brokered by the end of the year.

In 2009, Greek and Turkish Cypriot leaders took a tremendous step toward reconciliation with the formation of the Cultural Heritage Technical Committee, an organization tasked with the protection, preservation, and restoration of the rich cultural heritage of Cyprus. This committee has made enormous progress in identifying sites, located in both northern and southern Cyprus, which are suitable for restoration and protection. This committee has been one of the most successful vehicles yet created for fostering open dialogue and honest conversation between Greek and Turkish Cypriots on an issue of great importance to both communities. It would be unfortunate if actions by the U.S. Congress were to somehow unintentionally disrupt the progress that has been made so far to protect and restore precious artifacts and heritage sites.

While I commend my colleagues for their desire to protect the rich cultural heritage of Cyprus, the two parties in this conflict are already working to correct the wrongs of the past. This resolution puts their hard work in jeopardy, and I urge Congress to play a peacemaking role, rather than take sides in a dispute.

Ms. FOXX. Madam Speaker, I have serious concerns regarding H. Res. 1631 which was considered on the House Floor today.

While the resolution proports to raise awareness regarding the smuggling of Cypriot religious and cultural artifacts, it only addresses cases related to Northern Cyprus and ignores the fact that it is a problem on both sides of the island, and should be addressed by both sides in addition to the international community.

H. Res. 1631 overlooks the destruction of over 100 mosques, shrines, mausoleums and other valuable Ottoman and other cultural treasures in the 103 towns and villages which the Turkish Cypriots were forced to abandon in the southern part of the island.

There is also no mention of the vast sums spent by Turkish Cypriots to restore 15 Orthodox Churches over the last three years—each of which has been completed.

In order to address this problem, Greek and Turkish Cypriot leaders established a Technical Committee on Cultural Heritage in May 2008 in conjunction with talks to settle the Cyprus issue. This Committee was given an important mandate for the protection of the rich cultural heritage of the island. It aims at preserving secular and religious cultural heritage monuments, which is an integral part of the ongoing process of improving relations between Turkish Cypriots and Greek Cypriots.

Had Greek Cypriots accepted the UN peace plan in the simultaneous referenda in April 2004, these issues would have been well on the way to being resolved, rather than discussed in third country legislatures.

Despite the rejection of the so called Annan Plan in 2004, direct negotiations between the two leaders on the island have continued in pursuit of a comprehensive solution to the conflict. As the party that has supported the UN peace plan along with the international community in 2004, the Turkish Cypriots continue to demonstrate their commitment to a comprehensive settlement based on the political equality of the two sides. Both sides need the support and encouragement of the United States and other members of the international community in order to bridge their differences and reach a mutually agreed upon settlement. The Congress should engage in activities that aim to bring the two sides together, not inflame passions. That is why I believe it was ill advised for the Congress to adopt this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to convey my opposition to H. Res. 1631, which passed by a voice vote on September 29, 2010.

Unfortunately, I was not able to come to the floor of the House to personally express my concerns that this resolution will be against the interest of the America's Foreign Policy. I have always been and will continue to be a strong advocate for religious freedom, and human rights around the world, but this resolution, while cloaked under the mask of religious freedom is actually a direct attack towards our NATO Ally, Turkey and the Turkish Cypriots.

The United States has supported the many efforts by international organizations who have long been engaged in the efforts to bring about a negotiated compromise to the dispute in Cyprus. Moreover, the current Greek and Turkish Cypriot Leaders are currently engaged in peace talks.

Instead of helping to solve the problem between Greece and Turkey, two NATO Allies, this resolution could harm those careful negotiations. This Congress should be supporting the efforts to find a mutually agreed resolution between the parties instead of passing one-sided resolutions.

I urge this Congress to take actions to ensure that an accord is achieved that would lead to an independent government with both Greek and Turkish Cypriot governmental engagement, and I oppose H. Res. 1631 since it may harm the United States Foreign Policy in that region.

Mr. DELAHUNT. Madam Speaker, I am concerned that the voice vote passage of H. Res. 1631, on September, 28, 2010, ''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,'' may be detrimental to efforts at reunification of Cyprus.

While the Cyprus dispute is between Greek Cypriots and Turkish Cypriots, it has commanded the attention of other countries for decades. In that time, negotiations over Cyprus have involved not only the Cypriot communities, but also Turkey, Greece, the United Kingdom, the United States, the United Nations, and the European Union. The impasse over Cyprus has had a number of implications, including the continuing stalemate on Turkey's accession to the European Union.

While sponsors of H. Res. 1631, spoke about religious tolerance, this legislation is clearly intended to target Turkey and Turkish Cypriots directly. No mention was made about the destruction of Turkish-Muslim cultural sites in the Republic of Cyprus, or the fact that both Greek and Turkish Cypriot communities have been working to tackle this problem together since 2008, under a Technical Committee established jointly by the leaders of the two communities.

Turkey, a friend of the United States and a NATO ally, has been supportive of the current discussions within the global community and between the two Cypriot leaders. The continuation of these efforts should be encouraged.

Passage of H. Res. 1631 at this time, could provoke a highly negative reaction and completely sidetrack the ongoing reunification process. Instead of a one-sided resolution, this House should commend and endorse the steps taken by both parties to resolve their longstanding dispute and settle their differences together.

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. MCCAUL. Madam Speaker, I rise today in support of H. Res.1588, concerning the implementation of the Comprehensive Peace Agreement in Sudan during and after the upcoming referenda. We are now less than 100 days away from one of the most crucial dates in Sudan's recent history. On January 9th, the Comprehensive Peace Agreement will expire and the citizens of Sudan will have the opportunity to vote both on the referendum on self-determination for Southern Sudan and the referendum on whether Abyei will remain in the north or join the south. This resolution highlights the importance of these votes and the many challenges currently facing Sudan, from continued violence in Darfur to questions about resource allocation.

We are concerned about the repeated lack of attention and focus placed on Sudan in the months leading up to the referenda. The Administration must engage further with the local groups and governments to ensure these votes are fair and free and that all citizens have the ability to determine their future. Many issues including borders, oil and revenue sharing, and right of return for refugees still need to be discussed in advance of the votes and resolved in a manner that satisfies the concerns of all of the groups involved. Even as the Comprehensive Peace Agreement expires, we must work to facilitate continued dialogue on these important issues.

This is a critical time for the future of Sudan, and we must not put ourselves in a position where we look back in January and regret not taking action sooner. No matter the outcome of the referenda, we need to encourage the people of Sudan to continue to take positive steps towards a peaceful future. This resolution lays out our specific recommendations for how the Administration can encourage this outcome, and I hope you all will support it.

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. GOODLATTE. Madam Speaker, I rise today to honor the 10 courageous men and women whose lives were brutally cut short in Nuristan Province, Afghanistan, on August 5th, 2010. These individuals devoted their lives to helping others, and unfortunately, paid the ultimate price.

In particular, I would like to recognize and honor Brian Carderelli, a constituent of mine from Harrisonburg, Virginia. Mr. Carderelli was a recent graduate from James Madison University and was working to chronicle the work of the aid workers by recording them in photographs and video. Unlike many new college graduates, Mr. Carderelli chose to pursue a career in a challenging foreign environment, where his dedication to improving the lives of others took priority. His work with the International Assistance Mission and the International School of Kabul are a testament to that dedication.

Though the work of Mr. Carderelli and the International Assistance Mission team was certainly valued by those they helped, unfortunately not everyone appreciated their efforts. For several years, the Taliban ruled Afghanistan with brutality and terror. Intolerance for other religions and ignorance of human rights was standard. While the situation for the citizens of Afghanistan has improved since the rule of the Taliban, their presence has not been eliminated, and their brutal tactics persist.

The work of Brian Carderelli and his nine fellow workers is the work that will ultimately erode support for the Taliban and end that chapter in the country's history for good. Their efforts were selfless and humble, and are an inspiration to us all. These dedicated individuals will be missed, but the untold impact that each one of them had on the lives that they touched will certainly not be forgotten.

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.

Mr. SMITH of New Jersey. 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. 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:

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.

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.

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. MCNERNEY. Madam Speaker, the House of Representatives passed H.R. 4168, the Algae-based Renewable Fuel Promotion Act of 2009, a bill I am pleased to support. I would like to thank Mr. TEAGUE for his efforts to incentivize the production of environmentally-friendly biofuels. Mr. TEAGUE worked across party lines to advance bipartisan legislation, and he deserves recognition for his leadership.

H.R. 4168 is a significant step forward, but I believe that additional refinements could help incentivize a broader array of environmentally friendly, economically viable biofuels. As we continue working to fine tune this legislation and related proposals, we should seek to ensure that federal tax policy treats all viable technologies fairly and equitably. I look forward to working with Mr. TEAGUE, Mr. BILBRAY, and other interested members to make sure that algal biofuels produced in Northern California fully benefit from this bill.

Developing new sources of cellulosic biofuels is beneficial to the environment, the economy, and national security. I thank the authors of H.R. 4168 for their efforts.

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.

Mr. VAN HOLLEN. 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.

□ 1740

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 overclassification and excessive compartmentalization of information among government agencies. This stovepiping, so-to-speak, interferes with accurate, accountable, and timely information sharing, not only among Federal agencies, but also with State and local law enforcement.

H.R. 553 focuses on reducing the overclassification of information at the Department of Homeland Security and enhances understanding of the classification system by State, local, tribal, and private-sector partners.

The bill directs the Secretary of Homeland Security, 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 overclassification 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. Like 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 rise today to support the passage of H.R. 5458.

Like all of my colleagues, I receive thousands of pieces of mail a 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 their youngest son.

Like most college students, Christopher had to borrow money to finance his education.

He had received loans through both the Federal Government as well as a private lender. Like most college aged 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.

This 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 parent needed to maintain his financial standing with his school, as well as pay his bills and fulfill all of his contracts.

The Bryskis spent countless time and money regaining custody of their own son so that they could prevent him from defaulting on other bills in case he should recover.

They were not only being responsible parents, but responsible Americans.

The Bryskis also endured a personal interview of Christopher, so that the courts could be sure Christopher was indeed 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 he was indeed in a vegetative state.

As a father of 4 boys, 2 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, mainstreaming and clarifying the law.

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 that borrowers and cosigners can refer to these definitions should a catastrophe happen to their family.

It also states that the private education lender 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, borrower and lender must be on the same page.

Since I introduced this legislation I have been approached by other families in my district with the same problems the Bryskis encountered.

Giving students and their families more choices to protect them against disability or death is an important step. Our ultimate goal should be giving all students and families this protection. I would urge lenders to consider looking at student loan debt forgiveness in the case of death or disability as the Federal Government does. This is also an area where the new Consumer Financial Protection Bureau could play a role, and that agency does not need to wait for an act of Congress.

I believe this is a common-sense bipartisan piece of legislation that deserves the support of this entire body.

I would like to thank Chairman MILLER and Chairman FRANK for bringing this important legislation to the floor.

I urge its passage.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 5458, which would help families avoid financial uncertainty by requiring banks providing student loans to inform borrowers and cosigners of their obligations in case of incapacity or death; to define those terms in a standard way; and to discuss the option of credit insurance, which helps pay off debt in the event of death.

I want to thank my colleague, Congressman JOHN H. ADLER, for introducing this legislation. I would also like to express my deepest condolences to the family of Christopher Bryski.

Mr. Speaker, the Bryskis are hardworking people who in 2006 lost their son Christopher in a recreational accident, a tragedy no parent should ever have to endure and certainly one that the Bryskis could never have anticipated. In the midst of this tragedy, the Bryskis were unexpectedly burdened with Christopher's remaining student loan debt. As they soon found out, co-signers are often obliged to pay off the balance of private student loans in the instance of such tragedies, a requirement that is typically not included in federal loans. This bill would protect families like the Bryskis, including many of the families in my district, which

contains three community colleges and five universities.

From 2007–08, 13 percent of students attending four-year public colleges or universities and 26.2 percent of those attending private four-year institutions had private student loans. The SLM Corporation, the major private loan provider commonly known as Sallie Mae, estimates that 84 percent of private student loans involve cosigners. These statistics make clear the need for private loan companies to thoroughly educate the students and families to whom they provide aid. This is the best way to ensure that American families are adequately equipped to manage their loans under any circumstances.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 5458 and recognizing the immense burden that may befall millions of families across the nation if Congress does not act.

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 non-predictive.

(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.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 3421, the "Medical Debt Relief Act of 2010," which would address the issue of medical debt and the crippling effect that such debt can have on an individual's credit report, even long after it has been paid off. This bill will right an injustice in the credit scoring industry that unfairly penalizes thousands of families across the country.

I thank Chairman FRANK for his leadership in bringing this bill to the floor. I also thank the sponsor of this legislation, Congresswoman KILROY, for her attention to this important issue.

Mr. Speaker, in 2007, over 28 million Americans were contacted by debt collections agencies regarding medical debt. Unlike other forms of debt, however, individuals do not choose when to take on medical debt. The nature of serious illness is such that it often comes when we least expect it. Many people develop from low credit scores simply because they were forced to assume large amounts of medical debt when they did not expect it and were, thus, financially unprepared to do so. Unfortunately, these individuals' credit scores often remain low long after their debt has been paid off, and in some cases for the rest of their lives. This is an unfair penalty for individuals who have done nothing wrong.

H.R. 3421 will correct this problem by inserting a clause into the Fair Credit Reporting Act that to eliminate medical debt from credit reporting within 3o days of the debt being fully paid off. Credit reports are an important tool for leasers, lenders, and many other industries. This bill will ensure that credit reports reflect individuals' actual credit-worthiness, rather than providing an artificially low-score that is dragged down by medical debt from the past.

I urge my colleagues to join me in supporting this H.R. 3421.

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.

Mr. DAVIS of Illinois. Mr. Speaker, I support H. Res. 1663, a bill supporting the goals and ideals of Sickle Cell Disease Awareness Month. In 1983, Congress first recognized September as the month to nationally commemorate sickle cell disease awareness. And it is in that same vein today that I ask for support of H. Res. 1663.

More than 2.5 million Americans have the sickle cell trait. The sickle cell trait is found in 1 of 12 African Americans. There is a 1 in 4 chance that a child born to parents who both have the Sickle Cell Trait will develop the sickle cell disease. The average life span for an adult with the sickle cell disease is 45 years.

Sickle cell disease is an inherited blood disorder characterized by affected red blood cells that mutate into the shape of a crescent or sickle, and as such are unable to pass through small blood vessels. It is a recessive genetic condition that occurs when a child inherits two sickle cell genes- or traits- from each parent. The horrific outcomes of this condition include considerable pain in one's arms, chest, legs and abdomen, anemia, gallstone, strokes, as well as damaging tissue in the liver, spleen, kidney, and death. The sickle cell disease primarily affects African-Americans and other ethnic groups.

Mr. Speaker, I would also just note that the devastation of this disease on those who are affected by it is, indeed, tremendous. I have had firsthand experience with it by virtue of having run a sickle cell community education project for the University of Illinois in Chicago and came in contact with many of the patients

and their families; saw the pain and suffering firsthand.

I would urge all my colleagues to support the passage of this resolution.

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.

Mr. RANGEL. Mr. Speaker, I rise today to express my full support for H. Res. 1637, the National Domestic Violence Awareness Month Act. This act recognizes the importance of efforts to raise awareness of this problem nationally, while educating health care workers about the signs of domestic abuse and its long-term effect.

Domestic violence affects people of all races, religions, cultures, gender, age and economic standing. In New York City alone, it is estimated that over 25,000 women suffer some sort of domestic abuse annually. In New York State, over 20,000 women sought assistance from the authorities last year. Although much has been accomplished since the Violent Crime Control and Law Enforcement Act of 1994, much remains to be done.

This is not a problem that affects women alone; children, teenagers, men and the elderly can also be affected, either directly or indirectly. For example, research shows that children who grow up in violent households tend to do badly in school, abuse drugs or alcohol, engage in prostitution or become abusers themselves when they are older. This is why it is important for Congress to broaden and strengthen its efforts in educating the public about this issue.

I commend Rep. TED POE of Texas for his legislation recognizing National Domestic Violence Awareness Month and the work that needs to be done, and I urge my colleagues to support this bill. I also commend the work of activists, organizations and law enforcement agencies in raising awareness of this issue.

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.

□ 1850

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.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to promote America's workforce competitiveness by calling for measures that modernize our job training programs and prepare workers with the skills they need to succeed in the 21st century global economy. The bill before us, the AMERICA Works Act, H.R. 4072, would develop the technical workforce necessary to strengthen and attract in-demand industries in the United States, and create good jobs in regional economies across the country.

Our Nation's economic recovery remains extremely fragile. According to last month's jobs report, 42 percent of the nearly 15 million people have been unemployed for 6 months or longer. Despite large numbers of individuals looking for jobs, the staffing firm Manpower, Inc., found in a recent survey that one in five employers have left positions unfilled because they did not believe qualified candidates existed. Especially employers in key industries such as manufacturing, healthcare, and energy report difficulty finding workers with appropriate skill sets. With unemployment rates expected to remain high for months to come, investing in targeted job training that matches labor market demand is an economic strategy needed for a strong and sustained recovery.

Employers rely on a pipeline of skilled workers to drive innovation, increase productivity, and remain globally competitive. At the same time, individuals need the skills and credentials to fill these jobs. According to the Virginia Council on Advanced Technology Skills, which include companies such as Micron Technology, Inc., and Boehringer Ingelheim Chemicals, more than 40,000 manufacturing jobs could open up in the region over the next few years. The industry group is currently developing an assessment to determine what skills employers require and help students learn what skills they need to increase their job prospects and increase their salary when they are hired. The goal is to be able to match workers with the core skills and industry-recognized credentials for employers that have job openings. Addressing the current skills mismatch, according to the president of the Minneapolis Federal Reserve Bank, could reduce national unemployment from 9.6 percent to as low as 6.5 percent.

The AMERICA Works Act will help workers and employers like the industry group in Viriginia as well as other industry-sector partnerships fill the skills gap by honing in on the importance of industry-recognized, portable credentials. Specifically, the bill would direct the use of public funds for designated programs within the Carl D. Perkins Vocational-Technical Education Act and the Workforce Investment Act to prepare individuals with the core skills necessary to obtain good, middle-class jobs. This bill complements other efforts, including sector strategies, which support local partnerships between business, labor, the workforce system, and education and training providers to ensure that workers have the skills employers need to compete in the global marketplace.

Mr. Speaker, I want to thank Congressman MINNICK and Congressman LEE for introducing this legislation that invests in the skills of America's workers. I urge my colleagues to continue to advance education and training measures that build America's workforce and strengthen the economy.

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

Mr. Speaker, the role of small businesses in moving the economy forward has never been more important. Making up over 99 percent of all U.S. firms, they are critical to innovation, wealth creation, and, most importantly, employment gains.

As the economy continues to show signs of resurgence, we need to make certain that entrepreneurs have the right tools to make the most out of the recovery. The legislation before us extends the 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.

□ 1900

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 the 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 Web site 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. 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. 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.

Ms. RICHARDSON. Mr. Speaker, as a member of the Committee on Transportation and Infrastructure, I rise today in strong support of H.R. 4714, the National Transportation Safety Board Reauthorization Act of 2010. This legislation authorizes appropriations for the National Transportation Safety Board (NTSB) to conduct investigations necessary to determine the causes of transportation incidents and accidents. H.R. 4714 also clarifies the NTSB's authority to investigate incidents and calls for a collaborative effort between NTSB and the U.S. Coast Guard when investigating major maritime accidents. Further, H.R. 4714 provides the NTSB resources needed to improve safety regulations.

I thank Chairman OBERSTAR for his dedication and skillful leadership in guiding this bill to the floor.

Mr. Speaker, H.R. 4714 will also confer upon the NTSB the authority to make essential safety recommendations when NTSB investigators identify a need for immediate safety improvements. Such authority has long been enjoyed by other international accident-investigation agencies.

This legislation benefits the 37th Congressional District of California, which I am privileged to represent. Improvements in transportation safety—whether for automobiles, airplanes, or ships—disproportionately affect my district, which is one of the most transportation-intensive in the nation. Within my district or on its borders lie five major freeways, three airports, and the largest port complex in the country. H.R. 4714 improves the safety of my constituents when they are traveling, commuting, and working.

I urge my colleagues to join me in supporting H.R. 4714.

Mr. MICA. Mr. Speaker, I want to thank Chairman OBERSTAR, Chairman COSTELLO and Ranking Member PETRI for their bipartisan work on this important legislation. While there are several issues that we would like to continue working on in conference, I support H.R. 4714 as amended.

U.S. commercial aviation is the safest in the world. U.S. aviation law and safety regulations are the international gold standard. The National Transportation Safety Board (NTSB) can join the Federal Aviation Administration (FAA) in taking credit for the safety record.

The NTSB has done an excellent job with the resources and authority they currently have. In fact, the number of commercial aviation accidents has steadily dropped over the last several decades. The three-year average commercial aviation accident rate is now .018 accidents per 100,000 departures.

But there is always room for improvement—one accident is one too many, as was tragically demonstrated by the February 2009 Colgan accident.

Even though it has no regulatory authority, the NTSB has a unique role in transportation safety.

The NTSB investigates accidents and makes recommendations to improve transportation safety with over 82 percent of their recommendations being adopted by the Department of Transportation. NTSB certainly shares in the credit for the safety improvements achieved.

H.R. 4714 as amended, would authorize the NTSB for four years—2011 through 2014.

While we are very supportive of the NTSB and its mission, given the current state of the U.S. economy and the Federal budget, we remain concerned with the authorization levels included in both the introduced bill and the amended bill being considered today.

It has been pointed out that during the 107th and 108th Congresses—when Republicans were in the Majority—we supported NTSB funding for 479 full-time equivalent employees.

It is important to note that these bills were considered well before the recession and the current Federal budget deficit in excess of $1.3 trillion. According to the Congressional Budget Office, ''Relative to the size of the economy, this year's deficit is expected to be the second largest shortfall in the past 65 years: At 9.1 percent of gross domestic product (GDP), it is exceeded only by last year's deficit of 9.9 percent of GDP.''

At a time of high Federal deficits, budget constraints, and belt tightening by American tax payers, we are concerned with the overall 27% increase in NTSB funding over 4 years and the 10% increase in NTSB authorization levels from 2010 to 2011.

The President's budget request for the NTSB in FY2011 was $100.4 million, a level the NTSB itself supports. We believe that this level is the proper starting point.

The NTSB has been very successful in carrying out its mission with staffing levels at the 380 FTE level.

We look forward to continuing to work with our colleagues to reach agreement on the appropriate authorization levels as consideration of the bill moves forward.

H.R. 4714 expands the workload of the Board and would duplicate reviews of other agencies with respect to transportation ''incidents''.

The FAA and other DOT modal agencies conduct accident investigations and have numerous programs in place to collect information and address safety concerns. The NTSB and these agencies need to better coordinate to avoid duplicative investigations and to ensure the best and most efficient use of scarce resources.

The inclusion of ''incidents'' in NTSB's investigative authority will require close Congressional oversight to ensure that the regulatory authority of the Department of Transportation is not negatively impacted.

So, we do have some remaining concerns and we will work with our colleague to address these concerns as we move forward. But given the importance of the NTSB's mission, I support this bill and urge Members to vote for its passage.

Mr. PETRI. Mr. Speaker, while there are several issues that we would like to continue working on as this bill moves forward, I want to voice my support for H.R. 4714, the ''National Transportation Safety Board Reauthorization Act of 2010.''

The NTSB is a small, but important, part of the federal government and makes critical contributions to our nation's transportation safety each year.

In 1967, Congress formed the NTSB as an independent agency to investigate civil aviation accidents and significant transportation accidents in the surface modes—railroad, highway, marine, and pipeline—as well as assisting victims of fatal accidents.

Since its creation in 1967, the NTSB has investigated more than 132,000 aviation accidents and more than 10,000 accidents in other transportation modes. As a result of these investigations, the Board has issued a total of almost 13,000 safety recommendations and over 82 percent of those have been adopted.

In making safety improvement recommendations based on world-class investigations, hundreds of NTSB professionals as well as the Federal Aviation Administration and the aviation industry have helped create the safest aviation system in the world. With its current resources, NTSB continues to do a tremendous service to this Nation and the traveling public in all modes of transportation.

H.R. 4714, as amended, provides for a four-year reauthorization—fiscal years 2011 through 2014.

Given the size of the federal deficit and the improvement in aviation safety resulting in fewer aviation accidents requiring NTSB's attention, we are concerned with the level of funding authorized in this bill.

We believe that a better starting point for the NTSB's funding levels is $100.4 million, the amount requested in the fiscal year 2011 President's budget. The NTSB both supports and is comfortable with the President's budget Request.

Despite the state of the federal budget, as introduced, H.R. 4714 would have authorized a twenty percent increase over current levels from 2010 to 2011.

Even a ten percent increase in authorization levels, as included in the amended version of H.R. 4714, raises concerns due to the Federal deficit. H.R. 4714, as amended, would authorize a total of a 27 percent increase in funding over 4 years.

We remain concerned with the authorization levels contained in the bill and look forward to continuing to work with our colleagues on this issue should H.R. 4714 go to conference.

This bill also expands the NTSB's authority to investigate ''incidents'' in all modes of transportation. The bill directs the NTSB to define the term ''incidents'' in a rulemaking. It is our understanding that the Department of Transportation will be given the opportunity to comment on and influence the NTSB's rulemaking. This bill would also require the formulation of Memorandums of Understanding (MOU) with each appropriate modal agency to describe and reach understanding on the roles and responsibilities of each party in the event of an NTSB incident investigation.

We believe that the inclusion of ''incidents'' in the definition of ''accidents'' will require close oversight by Congress to ensure that there are no negative impacts on the ability of each modal transportation agency to investigate and conduct enforcement activities. The potential for the NTSB to obtain evidence voluntarily from the parties involved in an incident may limit the evidence available to the modal agencies in the pursuit of an enforcement action.

We also remain concerned about the impact of a provision prohibiting the disclosure of information by party representatives during an investigation. While the intent of the provision is sincere, its impact may severely harm the party representative system, a system that has served the Nation well over the years.

We would like to work with the Chairman and Rep. CARNAHAN to ensure the provision achieves its intended result without unintended consequences.

Finally, we would like to thank the Chairman for trying to address the concerns raised at markup regarding the language in the bill on interim recommendations.

Unfortunately, despite these changes to the bill, we are still concerned that there may be some confusion with the issuance of both interim safety recommendations and final recommendations. Again, we hope the Chairman will continue to work with us to address these concerns as this bill moves forward.

While these are several issues that we would like to continue working on in a bipartisan manner, we do support H.R. 4714 and look forward to working together to improve the bill.

I thank the Chairman as well as my other colleagues for their work on this bipartisan bill.

Mr. VAN HOLLEN. Mr. Speaker, I rise to support the National Transportation Safety Board Reauthorization Act. This important legislation will give NTSB the tools it needs to investigate transportation accidents and make timely recommendations to improve safety.

NTSB is the federal agency responsible for determining the probable cause of aviation, railroad, marine, and selected highway accidents. They assist victims and families and make recommendations aimed at addressing systemic issues and improving safety of all transportation modes. NTSB recently completed a year-long investigation into a catastrophic accident on the Red Line of the Washington Metro. Throughout the process, I was impressed by the knowledge and professionalism of the Board and its staff.

Today's legislation will help NTSB complete its mission—expanding its staff, clarifying its authority to identify multiple causes of accidents, and ensuring that it can conduct necessary on-scene fact-finding and access the information it needs. Importantly, the bill also allows NTSB to release urgent and interim safety recommendations so that transportation agencies can address safety issues quickly.

Mr. Speaker, when accidents happen, NTSB is there to determine the cause and provide expert advice to strengthen transportation safety. I urge my colleagues to vote in favor of this reauthorization.

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.

Mr. FOSTER. Mr. Speaker, I rise today in strong support of H.R. 3427, the State Ethics Law Protection Act of 2009. This simple bill goes a long way in closing a loophole that discourages states from enacting tough pay-to-play reforms.

Under current policy, states like Illinois that take a stand against corrupt practices by prohibiting the awarding of highway contracts to campaign contributors may jeopardize a share of their highway funding. In 2008, when a tough pay-to-play law was being considered in Illinois, the Federal Highway Administration intervened and threatened to withhold Federal dollars if the law was enacted.

The shameful and unethical string of crimes perpetrated by public officials in the State of Illinois is by now well known, but the FHWA's intervention led the General Assembly to water down what would have been a tough and effective anti-corruption law. What's more, the FHWA's application of this policy has been occasional and uneven. Of the eight states that have enacted pay-to-play legislation, only New Jersey and Illinois have been singled out.

H.R. 3427 will untie the hands of state legislatures that seek to take bold action to combat pay-to-play practices and restore the public's faith in government. It will also help ensure that federal dollars will not be wasted on contracts doled out to political cronies.

I urge my colleagues to support this important bill, which will help state legislatures hold the line against corruption.

Mr. QUIGLEY. Mr. Speaker, I am pleased that we are considering this legislation to clarify the language of Section 112 of title 23, United States Code to reaffirm the intent of Congress that Section 112 does not bar enforcement of State and local ordinances and contracting policies, in connection with Federal-aid highway projects, that disadvantage or disqualify classes of contractors. The Secretary properly enjoys discretion to approve contract requirements, consistent with the Federal-Aid Highway Act, 23 U.S.C. § 101, et seq.

Possible ambiguity in Section 112 has come to the Congress's attention in light of recent State and local efforts to combat corruption and favoritism in contracting. States, local jurisdictions, and the Securities and Exchange Commission have enacted ''pay-to-play'' restrictions that disqualify contractors who make campaign contributions to officials responsible for government contracts. Concerns have been raised that application of Section 112 may limit the discretion of FHWA to approve Federal-aid highway projects subject to State pay-to-play policies. Accordingly, the FHWA temporarily withheld federal highway funds from the States of New Jersey and Illinois.

The soundness of these concerns has been called into question by the United States Court of Appeals for the Sixth Circuit in City of Cleveland v. State of Ohio, 508 F.3d 827 (6th Cir. 2007), and, in any event, these concerns misunderstand Congress's long-standing intent regarding the operation of the current laws governing Federal-aid highway projects. Section 17 of the Federal-Aid Highway Act of 1954, which is codified at Section 112 of title 23, United States Code, imposes a requirement on FHWA to ensure that government contractors are selected through a competitive bidding process. This competitive bidding requirement was ''designed to prohibit collusion or action in restraint of free competitive bidding in connection with the contract.'' S. Rep. 83–1093 (1954) at 14. The enactment of Section 112, however, was not intended to ''add to or otherwise affect the powers of the Secretary [of Transportation] . . . with respect to the selection of projects.'' Id. Subsequent amendments have not altered that purpose.

The language of this legislation simply makes clear that it has always been Congress's intent that the Secretary may concur in the award of a Federal-aid highway contract despite a State or local requirement, imposed by law or through contract, disqualifying contractors on the basis of the amount of money contributed to a political campaign. To be clear, the enactment of this legislation would not be construed to mean that existing law would have foreclosed the application of State pay-to-play restrictions, or similarly situated provisions, to highway projects supported by Federal funds.

This bill will dispel any misunderstandings about the application of State pay-to-play restrictions and similar policies to Federal-aid highway projects. It will have an immediate, positive effect for local and State governments determined to implement pay-to-play restrictions to combat corruption and favoritism.

I urge my colleagues to join me in supporting H.R. 3427.

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. 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.

□ 1930

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:

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:

''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.

Mr. CUELLAR. Mr. Speaker, I rise in strong support of the Coast Guard Authorization Act of 2010, a bill to authorize the important activities and programs of the United States Coast Guard.

This comprehensive legislation includes new and enhanced port security programs that will help the Coast Guard protect and defend our nation's seaports, coastlines and waterways.

Since the September 11, 2001 terrorist attacks, the Coast Guard has assumed additional security-related responsibilities and has improved its port and maritime border security and readiness capabilities.

Accordingly, the bill includes a strong port security title that builds upon the Coast Guard's current initiatives to safeguard the public and protect vessels, harbors, ports, facilities, and cargo within the jurisdiction of the United States.

For example, the bill's expansion of rapidly deployable specialized forces will enhance the Coast Guard's current ability to respond and operate effectively in a hazardous threat environment.

The bill also directs the Coast Guard to lead the effort to enforce security zones around vessels carrying certain hazardous cargos, such as liquefied natural gas, as well as to increase the number of detection canine teams responsible for maritime-related security.

As the Chair of the Subcommittee on Border, Maritime, and Global Counterterrorism, I am particularly pleased that this legislation includes strong provisions to protect our nation's maritime border.

The bill authorizes the America's Waterway Watch Program—a ''see it, say it'' maritime domain awareness program that encourages the reporting of suspicious activities on and around our waterways to the Coast Guard.

Additionally, it authorizes the Mobile Biometric Identification Program, a program that will enhance border security by providing the Coast Guard with state-of-the-art biometric technology to help identify individuals interdicted at sea.

The bill will require the Coast Guard to develop a comprehensive strategy to combat the illicit flow of narcotics, weapons, bulk cash and other contraband through the use of submersible and semi-submersible vessels.

Drug trafficking organizations are constructing these vessels for the purpose of bringing narcotics from South America to the United States, and their efforts are becoming increasingly sophisticated.

Even more troubling is the thought that such vessels could be used to smuggle terrorists or their weapons into our country.

The Coast Guard's development of a comprehensive strategy to detect and interdict these vessels will be a key component of our effort to defeat these drug trafficking organizations.

Our Nation demands more from the Coast Guard now than at any other time in the Service's over 200-year history.

During these challenging times, it is critical that we ensure that the Coast Guard has the resources necessary to fulfill its homeland security mission requirements.

Passage of H.R. 3619 will provide the Coast Guard with the long-term tools that are needed in this post-9/11 world. Therefore, I urge my colleagues to join me in giving this important resolution their full support.

Mr. CUMMINGS. Mr. Speaker, as Chairman of the Subcommittee on Coast Guard and Maritime Transportation, I rise today in strong support of H. Res. 1665, which provides for concurrence by the House in the Senate Amendments to H.R. 3619, with amendments.

The Coast Guard reauthorization before us is the product of four years of work. I commend Chairman OBERSTAR for his leadership and Ranking Members MICA and LOBIONDO on the Transportation Committee for working so closely with us.

I also thank Chairman BENNIE THOMPSON and Ranking Member KING of the Homeland Security Committee—and I thank all of our Senate counterparts for their commitment to completing this authorization.

I have often described the Coast Guard as our ''thin blue line'' at sea. That line has rarely been stretched as thin as it was this past year as the service responded to the Gulf oil spill and the earthquake in Haiti while carrying out its other daily missions.

H.R. 3619 authorizes $10.2 billion in fiscal year 2011 for the Coast Guard and increases the authorized end-strength for military personnel by 1,500 members to 47,000 total personnel.

This is a small down-payment on what we owe our Coast Guardsmen and women—and it is long overdue.

This legislation also includes a number of finely tuned provisions strengthening the Coast Guard's implementation and management of its many missions.

Title IV of this legislation, which includes provisions I authored and that previously passed the House as H.R. 1665, will modernize the Coast Guard's management of its billion dollar annual acquisition program by imposing requirements that complement reforms the Coast Guard has already enacted and ensure full accountability for taxpayer funds.

Specifically, Title IV will require the appointment of a chief acquisition officer who can be a senior military officer or member of the senior executive service but who must be a

trained acquisition professional with the highest available acquisition certification.

It will also eliminate the use of private sector lead systems integrators and require the Coast Guard to develop independent life-cycle cost estimates for its largest procurements.

Further, Title IV requires the Coast Guard to complete a thorough mission needs analysis and a preliminary affordability assessment before initiating a large acquisition; it requires the Coast Guard to consider trade-offs among cost, schedule, and performance when establishing operational requirements; and it requires thorough testing of new assets.

Finally, this legislation applies strict cost and schedule breach standards to Coast Guard acquisitions so that Congress will be alerted when cost overruns or schedule delays occur.

H.R. 3619 will also reorganize the service's senior leadership, strengthen its marine safety program, establish safety equipment and construction standards for certain fishing vessels, and strengthen the service's homeland security missions.

I am disappointed that a number of provisions in the House-passed legislation were dropped in the final bill, including provisions I authored that would have created a student loan program for maritime workers and provisions strengthening diversity at the Coast Guard Academy.

I will continue to work on these critical issues, including working to move legislation that I believe addresses significant current challenges.

That said, H.R. 3619 is an urgently needed authorization for the Coast Guard and I urge its passage in the House today.

Finally, I also join Chairman OBERSTAR in commending the outstanding service of the Staff Director of the Subcommittee on Coast Guard and Maritime Transportation, John Cullather.

John is one of the true professionals on the Hill—and he will be sorely missed.

His knowledge of maritime issues and of the history and missions of the Coast Guard is truly unparalleled—as is his knowledge of House procedures and his passion of service to those who work, travel, and recreate on our nation's waterways.

John is also an exceptional man—a profoundly generous and caring individual who has the respect of every single person on the Transportation Committee and of everyone throughout our maritime industry.

I wish John the very best as he begins his new adventures.

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 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) 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. 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.

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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. 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.

□ 2030

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.

SMITHSONIAN CONSERVATION BIOLOGY INSTITUTE ENHANCEMENT ACT

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5717) to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a facility and to enter into agreements relating to education programs at the National Zoological Park facility in Front Royal, Virginia, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5717

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 ''Smithsonian Conservation Biology Institute Enhancement Act''.

SEC. 2. FACILITY FOR RESEARCH AND EDUCATIONAL PROGRAMS.

(a) IN GENERAL.—The Board of Regents of the Smithsonian Institution is authorized to plan, design, and construct a facility on National Zoological Park property in Front Royal, Virginia for the purpose of conducting research and educational programs.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a)—

(1) $1,000,000 for each of fiscal years 2010 and 2011; and

(2) $3,000,000 in the aggregate for all succeeding fiscal years.

SEC. 3. AGREEMENTS FOR HOUSING AND OTHER SERVICES.

(a) IN GENERAL.—The Board of Regents of the Smithsonian Institution is authorized to enter into agreements for the provision of housing and other services to the participants in the programs referenced in section 2.

(b) COSTS.—The housing and other services described in subsection (a) shall be provided at no cost to the Smithsonian Institution.

SEC. 4. ANIMAL HOLDING FACILITY.

The Board of Regents of the Smithsonian Institution is authorized to plan, design, and construct animal holding and related program facilities on National Zoological Park property in Front Royal, Virginia, to be funded from nonfederal sources.

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

Mr. Speaker, H.R. 5717 would upgrade the Smithsonian Institution's scientific and educational activities at its unique animal conservation facility, the Smithsonian Conservation Biology Institute at Front Royal, Virginia.

Mr. Speaker, in the interest of time, I understand that there is a consensus on this legislation.

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, it is a pleasure to rise in support of H.R. 5717. Once again, we are back in a bipartisan state supporting this bill.

Mr. Speaker, the Smithsonian Institution is an invaluable part of our national heritage and our ongoing commitment to historical preservation and scientific advancement. I am pleased to support this legislation sponsored by our friend and colleague, Congressman SAM JOHNSON, and the congressional members of the Smithsonian Board of Regents. This legislation will help further the institution's founding mission, which is to support and increase the diffusion of knowledge.

This authorizing legislation supports the Smithsonian's important biological conservation work conducted at the National Zoological Park located in Front Royal, Virginia, and strengthens their collaborative partnership with George Mason University in these efforts. The planned renovation and construction, which leverages a very modest Federal investment with significant non-Federal funds, will enhance the education and professional training programs currently underway.

□ 2040

The Smithsonian is truly a unique part of our American culture. I am pleased to support this authorization

which helps the Smithsonian maintain its well-deserved international reputation for excellence in scientific discovery and advancement and its continued commitment to the environment that we must steward.

Mr. Speaker, I urge my colleagues to support H.R. 5717.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 5717, the ''Smithsonian Conservation Biology Institute Enhancement Act''.

H.R. 5717, as amended, authorizes the Smithsonian Institution to expand the National Zoological Park facility in Front Royal, Virginia, in furtherance of conservation biology research, education and training.

Specifically, this legislation will authorize the Smithsonian to: renovate a building to be used primarily for classroom and laboratory space; enter into agreements that will enable third party strategic partners to construct and operate housing and food service facilities on Smithsonian property; and plan, design, and construct animal holding facilities—all at the Front Royal property.

The building renovation project is to be funded equally by Federal appropriation, in the amount of $5 million, and by Smithsonian trust sources. The housing and food service facilities are to be funded entirely by third-party financing. The animal holding facility is to be funded entirely from Smithsonian trust sources (i.e., non-Federal sources).

The plans and cost estimates for the building renovation project, for which Federal funding is sought, have been carefully reviewed by the Committee on Transportation and Infrastructure. The Committee finds the plans and estimates to be reasonable and in consonance with the Smithsonian mission to increase the diffusion of knowledge. Further, the Smithsonian's plans to partner with a third party, in this particular case, George Mason University, to shoulder the capital and operating costs of the residential and food service facilities, is a sensible and business-savvy way to further the Smithsonian's scientific and educational reach.

I urge my colleagues to join me in supporting H.R. 5717.

Mr. BRADY of Pennsylvania. Mr. Speaker, H.R. 5717 would upgrade the Smithsonian Institution's scientific and educational activities at its unique animal conservation facility, the Smithsonian Conservation Biology Institute at Front Royal, Virginia. The SCBI, a part of the National Zoo, is renowned worldwide for its work preserving and breeding endangered species, and is a magnet for prominent researchers and students starting careers in related fields. The bill will provide additional modern facilities to conduct programs and house students at the site, and relocate animal holding facilities for endangered red pandas and clouded leopards.

H.R. 5717 contains three elements. First, the bill would authorize $1 million in Federal funds in fiscal 2010 which has already been appropriated; $1 million in fiscal 2011; and $3 million in later fiscal years, to plan, design, and construct a facility which would include laboratories and offices to conduct research and educational programs. This aggregate authorization of $5 million constitutes the only Federal funds provided in the bill. The Smithsonian would supply an additional $5 million out of its own privately-raised trust funds to complete the project.

The bill would also authorize the Smithsonian Board of Regents to enter into agreements for the provision of housing and dining services to participants in the programs, at no cost to the Smithsonian. George Mason University, located in northern Virginia, plans to use $20 million in state revenue bonds to construct a dormitory and cafeteria facility at the site. There would not be any cost to the Federal government or to the Smithsonian. In October, 2008, the Smithsonian and GMU signed a Memorandum of Understanding to establish the ''Smithsonian-Mason Global Conservation Studies Program'', and GMU will give course credit to participants.

The Smithsonian Institution has frequently entered into cooperative agreements with other institutions, including universities, though this is the first time that it would allow an outside entity to construct a building on property it controls. After 30 years, ownership of the GMU-constructed facilities will pass to the Smithsonian. This no-cost feature makes the project an especially attractive addition to the Smithsonian's infrastructure.

Finally, the bill would authorize the Smithsonian to plan, design and construct animal holding and related program facilities at Front Royal, but without any Federal funding. The cost, estimated to be between $1 to 2 million, would be paid for entirely by the Smithsonian's privately-raised trust funds.

Mr. Speaker, this legislation was introduced by the three House Members who serve on the Smithsonian Board of Regents—Representatives BECERRA, MATSUI and SAM JOHNSON—and by Rep. WOLF of Virginia, in whose district the facility is located. It was considered and reported by voice vote both by the primary committee of jurisdiction, the Committee on House Administration, and by the Committee on Transportation and Infrastructure. I know of no controversy and I urge Members to support H.R. 5717.

Mr. DANIEL E. LUNGREN of California. I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I certainly support the Smithsonian in this effort, and I look forward to passage of this important legislation.

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. 5717, 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.

BANKRUPTCY TECHNICAL CORRECTIONS ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6198) to amend title 11 of the United States Code to make technical corrections; and for related purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6198

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 ''Bankruptcy Technical Corrections Act of 2010''.

SEC. 2. TECHNICAL CORRECTIONS RELATING TO AMENDMENTS MADE BY PUBLIC LAW 109–8.

(a) TITLE 11 OF THE UNITED STATES CODE.—Title 11 of the United States Code is amended—

(1) in section 101—

(A) in paragraph (13A)—

(i) in subparagraph (A) by inserting ''if used as the principal residence by the debtor'' after ''structure'' the 1st place it appears, and

(ii) in subparagraph (B) by inserting ''if used as the principal residence by the debtor'' before the period at the end,

(B) in paragraph (35) by striking ''(23) and (35)'' and inserting ''(21B) and (33)(A)'',

(C) in paragraph (40B) by striking ''written document relating to a patient or a'' and inserting ''record relating to a patient, including a written document or a'',

(D) in paragraph (42) by striking ''303, and 304'' and inserting ''303 and 1504'',

(E) in paragraph (51B) by inserting ''thereto'' before the period at the end,

(F) in paragraph (51D) by inserting ''of the filing'' after ''date'' the 1st place it appears, and

(G) by redesignating paragraphs (56A) and (53D) as (53D) and (53E), respectively,

(2) in section 103(a) by striking ''362(n)'' and inserting ''362(o)'',

(3) in section 105(d)(2) by inserting ''may'' after ''Procedure,'',

(4) in section 106(a)(1) by striking ''728,'',

(5) in section 107(a) by striking ''subsection (b) of this section'' and inserting ''subsections (b) and (c)'',

(6) in section 109—

(A) in subsection (b)(3)(B) by striking ''1978'' and inserting ''1978)'', and

(B) in subsection (h)(1)—

(i) by inserting ''other than paragraph (4) of this subsection'' after ''this section'', and

(ii) by striking ''preceding'' and inserting ''ending on'',

(7) in section 110—

(A) in subsection (b)(2)(A) by inserting ''or on behalf of'' after ''from'', and

(B) in subsection (h)—

(i) in the last sentence of paragraph (1)—

(I) by striking ''a'' and inserting ''the'', and

(II) by inserting ''or on behalf of'' after ''from'',

(ii) in paragraph (3)(A)—

(I) by striking ''found to be in excess of the value of any services'', and

(II) in clause (i) by inserting ''found to be in excess of the value of any services'' after ''(i)'', and

(iii) in paragraph (4) by striking ''paragraph (2)'' and inserting ''paragraph (3)'',

(8) in section 111(d)(1)(E)—

(A) by striking the period at the end and insert ''; and'', and

(B) by indenting the left margin of such subparagraph 2 additional ems to the right,

(9) in section 303 by redesignating subsection (l) as subsection (k),

(10) in section 308(b)—

(A) by striking ''small business debtor'' and inserting ''debtor in a small business case'', and

(B) in paragraph (4)—

(i) in subparagraph (A)—

(I) by striking ''(A)'', and

(II) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively,

(ii) in subparagraph (B)—

(I) by striking ''(B)'' and inserting ''(5)'',

(II) by striking ''subparagraph (A)(i)'' and inserting ''paragraph (4)(A)'', and

(III) by striking ''subparagraph (A)(ii)'' and inserting ''paragraph (4)(B)'',

(iii) by redesignating subparagraph (C) as paragraph (6), and

(11) in section 348—

(A) in subsection (b)—

(i) by striking ''728(a), 728(b),'', and

(ii) by striking ''1146(a), 1146(b),'', and

(B) in subsection (f)(1)(C)(i) by inserting ''of the filing'' after ''date'',

(12) in section 362—

(A) in subsection (a)(8)—

(i) by striking ''corporate debtor's'', and

(ii) by inserting ''of a debtor that is a corporation'' after ''liability'' the 1st place it appears,

(B) in subsection (c)—

(i) in paragraph (3), in the matter preceding subparagraph (A), by inserting ''a'' after ''against'', and

(ii) in paragraph (4)(A)(i) by inserting ''under a chapter other than chapter 7 after dismissal'' after ''refiled'',

(C) in subsection (d)(4) by striking ''hinder, and'' and inserting ''hinder, or'', and

(D) in subsection (l)(2) by striking ''nonbankrupcty'' and inserting ''nonbankruptcy'',

(13) in section 363(d)—

(A) in the matter preceding paragraph (1) by striking ''only'',

(B) by amending paragraph (1) to read as follows:

''(1) in the case of a debtor that is a corporation or trust that is not a moneyed business, commercial corporation, or trust, only in accordance with nonbankruptcy law applicable to the transfer of property by a debtor that is such a corporation or trust; and'', and

(C) in paragraph (2) by inserting ''only'' after ''(2)'',

(14) in section 505(a)(2)(C) by striking ''any law (other than a bankruptcy law)'' and inserting ''applicable nonbankruptcy law'',

(15) in section 507(a)(8)(A)(ii) by striking the period at the end and inserting ''; or'',

(16) in section 521(a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''the debtor shall'', and

(II) by adding ''and'' at the end,

(ii) in subparagraph (B)—

(I) by striking ''the debtor shall'', and

(II) by striking ''and'' at the end, and

(iii) in subparagraph (C) by striking ''(C)'' and inserting the following:

''except that'', and

(B) in paragraphs (3) and (4) by inserting ''is'' after ''auditor'',

(17) in section 522—

(A) in subsection (b)(3)(A)—

(i) by striking ''at'' the 1st place it appears and inserting ''to'', and

(ii) by striking ''at'' the 2d place it appears and inserting ''in'', and

(B) in subsection (c)(1) by striking ''section 523(a)(5)'' and inserting ''such paragraph'',

(18) in section 523(a)—

(A) in paragraph (2)(C)(ii)(II) by striking the period at the end and inserting a semicolon, and

(B) in paragraph (3) by striking ''521(1)'' and inserting ''521(a)(1)'',

(19) in section 524(k)—

(A) in the last undesignated paragraph of the quoted matter in paragraph (3)(J)(i)—

(i) by striking ''security property'' the 1st place it appears and inserting ''property securing the lien'',

(ii) by striking ''current value of the security property'' and inserting ''amount of the allowed secured claim'', and

(iii) in the last sentence by inserting ''must'' after ''you'', and

(B) in paragraph (5)(B) by striking ''that'' and inserting ''that,'',

(20) in section 526(a)—

(A) in paragraph (2) by striking ''untrue and'' and inserting ''untrue or'', and

(B) in paragraph (4) by inserting ''a'' after ''preparer'',

(21) in the 3d sentence of the 4th undesignated paragraph of the quoted matter in section 527(b), by striking ''Schedules and Statement of Financial Affairs, as well as in some cases a Statement of Intention'' and inserting ''Schedules, and Statement of Financial Affairs, and in some cases a Statement of Intention,'',

(22) in section 541(b)(6)(B) by striking ''section 529(b)(7)'' and inserting ''section 529(b)(6)'',

(23) in section 554(c) by striking ''521(1)'' and inserting ''521(a)(1)'',

(24) in section 704(a)(3) by striking ''521(2)(B)'' and inserting ''521(a)(2)(B)'',

(25) in section 707—

(A) in subsection (a)(3) by striking ''521'' and inserting ''521(a)'', and

(B) in subsection (b)—

(i) in paragraph (2)(A)(iii)(I) by inserting ''of the filing'' after ''date'', and

(ii) in paragraph (3) by striking ''subparagraph (A)(i) of such paragraph'' and inserting ''paragraph (2)(A)(i)'',

(26) in section 723(c) by striking ''Notwithstanding section 728(c) of this title, the'' and inserting ''The'',

(27) in section 724(b)(2)—

(A) by striking ''507(a)(1)'' and inserting ''507(a)(1)(C) or 507(a)(2)'',

(B) by inserting ''under each such section'' after ''expenses'' the 1st place it appears,

(C) by striking ''chapter 7 of this title'' and inserting ''this chapter'', and

(D) by striking ''507(a)(2),'' and inserting ''507(a)(1)(A), 507(a)(1)(B),'',

(28) in section 726(b) by striking ''or (8)'' and inserting ''(8), (9), or (10)'',

(29) in section 901(a)—

(A) by inserting ''333,'' after ''301,'', and

(B) by inserting ''351,'' after ''350(b)'',

(30) in section 1104—

(A) in subsection (a)

(i) in paragraph (1) by inserting ''or'' at the end,

(ii) in paragraph (2) by striking ''; or'' and inserting a period, and

(iii) by striking paragraph (3), and

(B) in subsection (b)(2)(B)(ii) by striking ''subsection (d)'' and inserting ''subsection (a)'',

(31) in section 1106(a)—

(A) in paragraph (1) by striking ''704'' and inserting ''704(a)'', and

(B) in paragraph (2) by striking ''521(1)'' and inserting ''521(a)(1)'',

(32) in section 1111(a) by striking ''521(1)'' and inserting ''521(a)(1)'',

(33) amending section 1112—

(A) in subsection (b)—

(i) by amending paragraph (1) to read as follows:

''(1) Except as provided in paragraph (2) and subsection (c), on request of a party in interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause unless the court determines that the appointment under section 1104(a) of a trustee or an examiner is in the best interests of creditors and the estate.'', and

(ii) in paragraph (2)—

(I) by striking the matter preceding subparagraph (A) and inserting the following:

''(2) The court may not convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter if the court finds and specifically identifies unusual circumstances establishing that converting or dismissing the case is not in the best interests of creditors and the estate, and the debtor or any other party in interest establishes that—'', and

(II) in subparagraph (B) by striking ''granting such relief'' and inserting ''converting or dismissing the case'', and

(B) in subsection (e) by striking ''521'' and inserting ''521(a)'',

(34) in section 1127(f)(1) by striking ''subsection (a)'' and inserting ''subsection (e)'',

(35) in section 1129(a)(16) by striking ''of the plan'' and inserting ''under the plan'',

(36) in section 1141(d)(5)—

(A) in subparagraph (B)—

(i) in clause (i) by striking ''and'' at the end; and

(ii) by adding at the end the following:

''(iii) subparagraph (C) permits the court to grant a discharge; and'', and

(B) in subparagraph (C) —

(i) by striking ''unless'' and inserting ''the court may grant a discharge if,'',

(ii) in clause (ii) by striking the period at the end and inserting a semicolon, and

(iii) by adding at the end the following:

''and if the requirements of subparagraph (A) or (B) are met.'',

(37) in section 1145(b) by striking ''2(11)'' each place it appears and inserting ''2(a)(11)'',

(38) in section 1202(b)—

(A) in paragraph (1) by striking ''704(2), 704(3), 704(5), 704(6), 704(7), and 704(9)'' and inserting ''704(a)(2), 704(a)(3), 704(a)(5), 704(a)(6), 704(a)(7), and 704(a)(9)'', and

(B) in paragraph (5) by striking ''704(8)'' and inserting ''704(a)(8)'',

(39) in section 1302(b)(1) by striking ''704(2), 704(3), 704(4), 704(5), 704(6), 704(7), and 704(9)'' and inserting ''704(a)(2), 704(a)(3), 704(a)(4), 704(a)(5), 704(a)(6), 704(a)(7), and 704(a)(9)'',

(40) in section 1304(c) by striking ''704(8)'' and inserting ''704(a)(8)'',

(41) in section 1307—

(A) in subsection (c)—

(i) by striking ''subsection (e)'' and inserting ''subsection (f)'',

(ii) in paragraph (9) by striking ''521'' and inserting ''521(a)'', and

(iii) in paragraph (10) by striking ''521'' and inserting ''521(a)', and

(B) in subsection (d) by striking ''subsection (e)'' and inserting ''subsection (f)'',

(42) in section 1308(b)(2)—

(A) in subparagraph (A) by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)'',

(B) in subparagraph (B) by striking ''paragraph (2)'' and inserting ''paragraph (1)(B)'', and

(C) by striking ''this subsection'' each place it appears and inserting ''paragraph (1)'',

(43) in section 1322(a)—

(A) by striking ''shall'' the 1st place it appears,

(B) in paragraph (1) by inserting ''shall'' after ''(1)'',

(C) in paragraph (2) by inserting ''shall'' after ''(2)'',

(D) in paragraph (3) by inserting ''shall'' after ''claims,'', and

(E) in paragraph (4) by striking ''a plan'',

(44) in section 1325—

(A) in the last sentence of subsection (a) by inserting ''period'' after ''910-day'', and

(B) in subsection (b)(2)(A)(ii) by striking ''548(d)(3)'' and inserting ''548(d)(3))'',

(45) in the heading of section 1511 by inserting '', 302,'' after ''301'',

(46) in section 1519(f) by striking ''362(n)'' and inserting ''362(o)'',

(47) in section 1521(f) by striking ''362(n)'' and inserting ''362(o)'',

(48) in section 1529(1) by inserting ''is'' after ''States'',

(49) in the table of sections of chapter 3, by striking the item relating to section 333 and inserting the following:

''333. Appointment of patient care ombudsman.'', and

(50) in the table of sections of chapter 5, by striking the item relating to section 562 and inserting the following:

''562. Timing of damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, and master netting agreements.''.

(b) TITLE 18 OF THE UNITED STATES CODE.—Section 157 of title 18, United States Code is amended—

(1) in paragraph (1) by striking ''bankruptcy'', and

(2) in paragraphs (2) and (3) by striking '', including a fraudulent involuntary bankruptcy petition under section 303 of such title''.

(c) TITLE 28 OF THE UNITED STATES CODE.—

(1) AMENDMENT RELATING TO APPEALS.—Section 158(d)(2)(D) of title 28 of the United States Code is amended by striking ''appeal in'' and inserting ''appeal is''.

(2) AMENDMENT RELATING TO BANKRUPTCY STATISTICS.—Section 159(c)(3)(H) of title 28 of the United States Code is amended by inserting ''the'' after ''against''.

(3) TECHNICAL AMENDMENTS.—Section 586(a) of title 28 of the United States Code is amended—

(A) in paragraph (3)(A)(ii) is amended by striking the period at the end and inserting a semicolon,

(B) in paragraph (7)(C) by striking ''identify'' and inserting ''determine'', and

(C) in paragraph (8) by striking ''the United States trustee shall''.

SEC. 3. TECHNICAL CORRECTION TO PUBLIC LAW 109–8.

Section 1406(b)(1) of Public Law 109–8 is amended by striking ''cept'' and inserting ''Except''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. 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 gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, 5 years ago, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 was enacted into law. It exceeded 500 pages in length and made significant changes in our Nation's bankruptcy law.

Since its enactment, a number of technical drafting errors have been identified. These include spelling errors, erroneous statutory cross-references, incorrect grammar and terminology references, and mistakes in punctuation. I am pleased that H.R. 6198, the Bankruptcy Technical Corrections Act of 2010, corrects these purely technical errors.

Mr. Speaker, I urge my colleagues to support H.R. 6198.

H.R. 6198, THE ''BANKRUPTCY TECHNICAL CORRECTIONS ACT OF 2010'' SECTION-BY-SECTION EXPLANATION

Sec. 1. Short Title. Section 1 sets forth the short title of the bill as the ''Bankruptcy Technical Corrections Act of 2010.''

Sec. 2. Technical Corrections Relating to Amendments Made by Public Law 109–8. Section 2 makes a series of technical corrections to the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109–8 (2005 Act).

Subsection (a)(1)(A) amends section 101(13A) of title 11 of the United States Code (Bankruptcy Code), which defines ''debtor's principal residence.'' The amendment clarifies that the definition pertains to a structure used by the debtor as a principal residence.

Subsection (a)(1)(B) amends Bankruptcy Code section 101(35), which defines ''insured depository institution.'' The amendment corrects erroneous statutory references in this provision.

Subsection (a)(1)(C) amends Bankruptcy Code section 101(40B), which defines ''patient records.'' The amendment clarifies that the term means a record relating to a patient, including a written document or an electronic record.

Subsection (a)(1)(D) amends Bankruptcy Code section 101(42), which defines ''petition.'' The amendment deletes the reference to section 304 of the Bankruptcy Code, which was eliminated as a result of the 2005 Act, and adds a reference to section 1504, which was added by the 2005 Act.

Subsection (a)(1)(E) amends Bankruptcy Code section 101(51B), which defines ''single asset real estate.'' The amendment corrects a drafting error by reinserting a missing word.

Subsection (a)(1)(F), amends Bankruptcy Code section 101(51D), which defines ''small business debtor.'' The amendment clarifies that the debt limit specified therein is determined as of the date of the filing of the petition.

Subsection (a)(1)(G) redesignates paragraphs (56A) and (53D) of Bankruptcy Code section 101 as (53D) and (53E), respectively.

Subsection (a)(2) amends Bankruptcy Code section 103(a), which pertains to the applicability of chapters of the Code. The amendment corrects an erroneous statutory reference in this provision.

Subsection (a)(3) amends Bankruptcy Code section 105(d)(2), which pertains to status conferences. The amendment makes a grammatical correction.

Subsection (a)(4) amends Bankruptcy Code section 106(a)(1), which pertains to the waiver of sovereign immunity. The amendment deletes a reference to Bankruptcy Code section 728, which was eliminated by the 2005 Act.

Subsection (a)(5) amends Bankruptcy Code section 107(a), which pertains to public access to bankruptcy cases. The amendment corrects a drafting instruction error.

Subsection (a)(6) makes several amendments to Bankruptcy Code section 109, which sets forth the eligibility criteria for a debtor. Subsection (a)(6)(A) amends Bankruptcy Code section 109(b)(3)(B) to add a missing parenthesis. Subsection (a)(6)(B) makes a conforming amendment to Bankruptcy Code section 109(h)(1) to clarify that Bankruptcy Code section 109(h)(4) is an exception. In addition, subsection (a)(6)(B) clarifies that the 180–day period ends on the date of the filing of the petition.

Subsection (a)(7) amends Bankruptcy Code section 110, which pertains to bankruptcy petition preparers. It makes conforming amendments to Bankruptcy Code section 110(b)(2)(A) and (h)(1) so that they conform to other provisions in section 110 with respect to fees received by a petition preparer on behalf of a debtor. In addition, subsection (a)(7) restructures section 110(h)(3) to clarify the court's authority to disallow fees under this provision.

Subsection (a)(8) amends Bankruptcy Code section 111, which concerns nonprofit budget and credit counseling agencies and financial management instructional courses. The amendment corrects two typographical errors in Bankruptcy Code section 111(d)(1)(E). The first error concerns incorrect punctuation and the second error pertains to incorrect indentation of the subparagraph.

Subsection (a)(9) amends Bankruptcy Code section 303, which pertains to involuntary bankruptcy cases. The amendment corrects the misdesignation of subsection (1) by redesignating it as subsection (k).

Subsection (a)(10) amends Bankruptcy Code section 308, which concerns reporting requirements for small business debtors. The amendment restructures subsection 308(b)(4) to clarify its intent.

Subsection (a)(11) makes two amendments to Bankruptcy Code section 348, which pertains to the effect of conversion of a case. First, it amends Bankruptcy Code section 348(b) to strike references to Bankruptcy Code sections 728(a), 728(b), 1146(a) and 1146(b) as these provisions were eliminated by the 2005 Act. Second, it amends Bankruptcy Code section 348(f)(1)(C)(i) to clarify that the provision applies with respect to the date of the filing of the petition.

Subsection (a)(12) amends Bankruptcy Code section 362, which pertains to the automatic stay, in several respects. First, the amendment makes a stylistic correction to subsection 362(a)(8) with respect to its reference to a debtor that is a corporation. Second, it adds a missing article in subsection 362(c)(3). Third, the amendment conforms the reference in subsection 362(c)(4)(A)(i) to ''refiled'' with subsection 362(c)(3) so that it applies to a case filed under a chapter other than chapter 7 after dismissal of a prior case pursuant to Bankruptcy Code section 707(b). Fourth, it corrects an erroneous conjunctive in subsection 362(d)(4). Fifth, it corrects a spelling error in subsection 362(1).

Subsection (a)(13) amends Bankruptcy Code section 363, which concerns the use, sale, or lease of property. The amendment restructures subsection 363(d) to clarify its intent.

Subsection (a)(14) amends Bankruptcy Code section 505, which pertains to the determination of tax liability. The amendment corrects the provision's use of terminology.

Subsection (a)(15) amends Bankruptcy Code section 507, which pertains to priorities. The amendment corrects a punctuation error.

Subsection (a)(16) amends Bankruptcy Code section 521, which pertains to the duties of the debtor. The amendment makes several revisions. First, it deletes redundant text in subsection 521(a)(2)(A) and (B). Second, it restructures section 521(a)(2) to clarify its meaning. Third, the amendment corrects grammatical errors in paragraphs (3) and (4) of subsection 521(a).

Subsection (a)(17) amends Bankruptcy Code section 522, which concerns exemptions. The amendment corrects two grammatical errors in subsection 522(b)(3)(A). In addition, it makes a conforming revision to subsection 522(c)(1).

Subsection (a)(18) amends Bankruptcy Code section 523, which pertains to the dischargeability of debts. The amendment corrects a punctuation error in subsection 523(a)(2)(C)(ii)(II) and corrects an erroneous statutory cross reference in subsection 523(a)(3).

Subsection (a)(19) amends Bankruptcy Code section 524, which concerns reaffirmation agreements, among other matters. The amendment makes several revisions. First, it corrects erroneous terminology in subsection 524(k)(3)(J)(i) and inserts a missing verb. Second, it corrects a punctuation error in subsection 524(k)(5)(B).

Subsection (a)(20) amends Bankruptcy Code section 526, which deals with restrictions on debt relief agencies. The amendment makes a conforming revision to subsection 526(a)(2). It also adds a missing article to subsection 526(a)(4).

Subsection (a)(21) amends Bankruptcy Code section 527, which concerns disclosures by debt relief agencies. The amendment makes a grammatical correction.

Subsection (a)(22) amends Bankruptcy Code section 541, which deals with property of the estate. The amendment corrects a statutory reference to the Internal Revenue Code of 1986 in section 541(b)(6)(B).

Subsection (a)(23) amends Bankruptcy Code section 554, which concerns abandonment. The amendment corrects an erroneous a statutory reference in subsection 554(c).

Subsection (a)(24) amends Bankruptcy Code section 704, which pertains to duties of the trustee. The amendment corrects an erroneous statutory reference in subsection 704(a)(3).

Subsection (a)(25) amends Bankruptcy Code section 707, which concerns dismissal of a chapter 7 case or conversion to a case under chapter 11 or 13. The amendment makes several revisions. First, it corrects an erroneous statutory cross reference in subsection 707(a)(3). Second, the amendment clarifies that the provision's reference to date means the date of the filing of the petition in subsection 707(b)(2)(A)(iii)(I). Third, the amendment corrects an erroneous statutory reference in subsection 707(b)(3).

Subsection (a)(26) amends Bankruptcy Code section 723(c), which pertains to the rights of a partnership trustee against general partners. The amendment strikes a reference to Bankruptcy Code section 728, which was eliminated by the 2005 Act.

Subsection (a)(27) amends Bankruptcy Code section 724, which concerns the treatment of liens. The amendment clarifies certain statutory references in section 724(b)(2) and makes other clarifying revisions.

Subsection (a)(28) amends Bankruptcy Code section 726(b), which concerns distribution priorities in a chapter 7 case, to add a statutory reference to section 507(a)(9) and (10).

Subsection (a)(29) amends Bankruptcy Code section 901, which concerns the applicability of the Bankruptcy Code to municipality cases. The amendment adds references to Bankruptcy Code sections 333, dealing with the appointment of a patient care ombudsman, and 351, concerning the disposal of patient records, both of which were added by the 2005 Act.

Subsection (a)(30) amends Bankruptcy Code section 1104, which pertains to the appointment of a trustee and examiner. The amendment restructures subsection 1104(a) to clarify the provision's intent and how it relates to Bankruptcy Code section 1112(b), as amended by the 2005 Act. In addition, it corrects an erroneous statutory reference in subsection 1104(b)(2)(B)(ii).

Subsection (a)(31) amends Bankruptcy Code section 1106, which pertains to the duties of a trustee and examiner. The amendment corrects two erroneous statutory references in section 1106(a).

Subsection (a)(32) amends Bankruptcy Code section 1111, which concerns claims and interests. The amendment corrects an erroneous statutory reference in section 1111(a).

Subsection (a)(33) amends Bankruptcy Code section 1112(b), which sets forth the grounds for converting or dismissing a chapter 11 case. The amendment restructures this provision to eliminate an internal redundancy. In addition, it corrects an erroneous statutory reference in section 1112(e).

Subsection (a)(34) amends Bankruptcy Code section 1127, which pertains to modification of a chapter 11 plan. The amendment corrects an erroneous statutory reference in section 1127(f)(1).

Subsection (a)(35) amends Bankruptcy Code section 1129(a), which sets forth the criteria for confirmation of a chapter 11 plan. The amendment makes a grammatical correction to section (a)(16).

Subsection (a)(36) amends Bankruptcy Code section 1141(d)(5), which concerns the effect of confirmation. The amendment clarifies the intent of this provision.

Subsection (a)(37) amends Bankruptcy Code section 1145(b), which pertains to the applicability of securities laws. The amendment corrects an erroneous statutory reference in this section.

Subsection (a)(38) amends Bankruptcy Code section 1202, which details the responsibilities of a trustee in a chapter 12 case. The amendment corrects several erroneous statutory references in section 1202(b).

Subsection (a)(39) amends Bankruptcy Code section 1302, which details the responsibilities of a trustee in a chapter 13 case. The amendment corrects several erroneous statutory references in section 1302(b)(1).

Subsection (a)(40) amends Bankruptcy Code section 1304, which concerns a chapter 13 debtor engaged in business. The amendment corrects an erroneous statutory reference in section 1304(c).

Subsection (a)(41) amends Bankruptcy Code section 1307, which sets forth the grounds for converting or dismissing a chapter 13 case. The amendment corrects several erroneous statutory references in this section.

Subsection (a)(42) amends Bankruptcy Code section 1308, which concerns the filing of prepetition tax returns. The amendment clarifies several statutory references in section 1308(b)(2).

Subsection (a)(43) amends Bankruptcy Code section 1322(a), which pertains to the contents of a chapter 13 plan. The amendment corrects an internal inconsistency.

Subsection (a)(44) amends Bankruptcy Code section 1325, which pertains to confirmation of a chapter 13 plan. The amendment adds a missing word to subsection 1325(a) and adds a missing parenthesis to subsection 1325(b)(2)(A)(ii).

Subsection (a)(45) amends the heading of Bankruptcy Code section 1511, to include a reference to section 302.

Subsection (a)(46) amends Bankruptcy Code section 1519, which pertains to the relief that may be granted upon the filing of a petition for recognition in a chapter 15 case. The amendment corrects an erroneous statutory reference in section 1519(f).

Subsection (a)(47) amends Bankruptcy Code section 1521(f) which concerns relief that may be granted upon recognition in a chapter 15 case. The amendment corrects an erroneous statutory reference.

Subsection (a)(48) amends Bankruptcy Code section 1529, which concerns the coordination of a case under title 11 and a foreign proceeding. The amendment adds a missing word to section 1529(1).

Subsection (a)(49) amends the table of sections for chapter 3 of the Bankruptcy Code to correct an erroneous description of section 333.

Subsection (a)(50) amends the table of sections for chapter 5 of the Bankruptcy Code to correct an erroneous description of section 562.

Subsection (b) amends section 157 of title 18 of the United States Code, which concerns bankruptcy fraud. The amendment removes superfluous references in this section.

Subsection (c)(1) amends section 158 of title 28 of the United States Code, which pertains to bankruptcy appeals. The amendment corrects a grammatical error in section 158(d)(2)(D).

Subsection (c)(2) amends section 159 of title 28 of the United States Code, which pertains to the collection of bankruptcy statistics. The amendment adds a missing word to section 159(c)(3)(H).

Subsection (c)(3) amends section 586 of title 28 of the United States Code, which concerns the United States Trustee Program. The amendment corrects a punctuation error in section 586(a)(3)(A)(ii), corrects erroneous terminology in section 586(a)(7)(C), and eliminates redundant language in section 586(a)(8).

Sec. 3. Technical Correction to Public Law 109–8. Section 3 amends section 1406(b)(1) of the 2005 Act to correct a spelling error.

I reserve the balance of my time.

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

The Bankruptcy Technical Corrections Act of 2010 contains a number of useful spelling, grammatical, and other purely technical amendments to the Bankruptcy Code. These amendments will facilitate the work of bankruptcy lawyers and judges.

When any provision of law is unclear or its text inaccurate, judges and lawyers may become confused about how Congress intends for the law to operate. Sometimes legislative inaccuracies even open the door to judicial activism. It is particularly important that the Bankruptcy Code be error free, as the number of bankruptcy filings continues to rise.

Last week, economists at the National Bureau of Economic Research told us that the recession technically

ended in June 2009, but the American people have not seen the end of the recession's effects. The number of bankruptcy filings by small businesses and individuals continues to increase at a rate of about 30 percent per year.

The bill under consideration today adopts many amendments suggested by the Administrative Office of the United States Courts. The Administrative Office suggested these changes in consultation with bankruptcy practitioners and judges. As a result, I expect this bill to yield a more user-friendly Bankruptcy Code.

It is important to highlight on the record that this bill does not, and is not intended to, enact any substantive change to the Bankruptcy Code. The changes made to the Code by this bill are purely technical in nature.

No Federal judge should interpret any provision of this bill to confer, modify, or delete any substantive bankruptcy right, nor should anyone infer a congressional intent to alter substantive rights from the bill's attention to one section of the Bankruptcy Code but not another.

With this understanding, I am pleased to cosponsor the Bankruptcy Technical Corrections bill.

I yield back the balance of my time.

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

There were strong differences of opinion about the changes made in 2005. Many of us questioned whether some of those changes were justified and whether they were fair or constructive, but those discussions are left to another day.

This bill before us today is simply a technical cleanup of the 2005 legislation. I would like to thank the ranking member of the full committee, Mr. SMITH, for making this a bipartisan effort. I urge my colleagues to support the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 6198, 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.

FEDERAL COURTS JURISDICTION AND VENUE CLARIFICATION ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4113) to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4113

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 ''Federal Courts Jurisdiction and Venue Clarification Act of 2010''.

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

TITLE I—JURISDICTIONAL IMPROVEMENTS

SEC. 101. TREATMENT OF RESIDENT ALIENS.

Section 1332(a) of title 28, United States Code, is amended—

(1) by striking the last sentence; and

(2) in paragraph (2), by inserting after ''foreign state'' the following: '', except that the district courts shall not have original jurisdiction under this subsection of an action between citizens of a State and citizens or subjects of a foreign state who are lawfully admitted for permanent residence in the United States and are domiciled in the same State''.

SEC. 102. CITIZENSHIP OF CORPORATIONS AND INSURANCE COMPANIES WITH FOREIGN CONTACTS.

Section 1332(c)(1) of title 28, United States Code, is amended—

(1) by striking ''any State'' and inserting ''every State and foreign state'';

(2) by striking ''the State'' and inserting ''the State or foreign state''; and

(3) by striking all that follows ''party-defendant,'' and inserting ''such insurer shall be deemed a citizen of—

''(A) every State and foreign state of which the insured is a citizen;

''(B) every State and foreign state by which the insurer has been incorporated; and

''(C) the State or foreign state where the insurer has its principal place of business; and''.

SEC. 103. REMOVAL AND REMAND PROCEDURES.

(a) ACTIONS REMOVABLE GENERALLY.—Section 1441 of title 28, United States Code, is amended as follows:

(1) The section heading is amended by striking ''**Actions removable generally**'' and inserting ''**Removal of civil actions**''.

(2) Subsection (a) is amended—

(A) by striking ''(a) Except'' and inserting ''(a) GENERALLY.—Except''; and

(B) by striking the last sentence;

(3) Subsection (b) is amended to read as follows:

''(b) REMOVAL BASED ON DIVERSITY OF CITIZENSHIP.—(1) In determining whether a civil action is removable on the basis of the jurisdiction under section 1332(a) of this title, the citizenship of defendants sued under fictitious names shall be disregarded.

''(2) A civil action otherwise removable solely on the basis of the jurisdiction under section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.'' ''.

(4) Subsection (c) is amended to read as follows:

''(c) JOINDER OF FEDERAL LAW CLAIMS AND STATE LAW CLAIMS.—(1) If a civil action includes—

''(A) a claim arising under the Constitution, laws, or treaties of the United States (within the meaning of section 1331 of this title), and

''(B) a claim not within the original or supplemental jurisdiction of the district court or a claim that has been made nonremovable by statute,

the entire action may be removed if the action would be removable without the inclusion of the claim described in subparagraph (B).

''(2) Upon removal of an action described in paragraph (1), the district court shall sever from the action all claims described in paragraph (1)(B) and shall remand the severed claims to the State court from which the action was removed. Only defendants against whom a claim described in paragraph (1)(A) has been asserted are required to join in or consent to the removal under paragraph (1).''.

(5) Subsection (d) is amended by striking ''(d) Any'' and inserting ''(d) ACTIONS AGAINST FOREIGN STATES.—Any''.

(6) Subsection (e) is amended by striking ''(e)(1) Notwithstanding'' and inserting ''(e) MULTIPARTY, MULTIFORUM JURISDICTION.—(1) Notwithstanding''.

(7) Subsection (f) is amended—

(A) by striking ''(f) The court'' and inserting ''(f) DERIVATIVE REMOVAL JURISDICTION.—The court''; and

(B) by striking ''under this section'' and inserting ''under this title or other applicable law''.

(b) PROCEDURE FOR REMOVAL OF CIVIL ACTIONS.—Section 1446 of title 28, United States Code, is amended as follows:

(1) The section heading is amended to read as follows:

''§ 1446. Procedure for removal of civil actions''.

(2) Subsection (a) is amended—

(A) by striking ''(a) A defendant'' and inserting ''(a) GENERALLY.—A defendant''; and

(B) by striking ''or criminal prosecution''.

(3) Subsection (b) is amended—

(A) by striking ''(b) The notice'' and inserting ''(b) REQUIREMENTS; GENERALLY.—(1) The notice''; and

(B) by striking the second paragraph and inserting the following:

''(2)(A) When a civil action is removed solely under section 1441(a), all defendants who have been properly joined and served must join in or consent to the removal of the action.

''(B) Each defendant shall have 30 days after receipt by or service on that defendant of the initial pleading or summons described in paragraph (1) to file the notice of removal.

''(C) If defendants are served at different times, and a later-served defendant files a notice of removal, any earlier-served defendant may consent to the removal even though that earlier-served defendant did not previously initiate or consent to removal.

''(3) Except as provided in subsection (c), if the case stated by the initial pleading is not removable, a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order

or other paper from which it may first be ascertained that the case is one which is or has become removable.'';

(C) by striking subsection (c) and inserting the following:

''(c) REQUIREMENTS; REMOVAL BASED ON DIVERSITY OF CITIZENSHIP.—(1) A case may not be removed under subsection (b)(3) on the basis of jurisdiction conferred by section 1332 more than 1 year after commencement of the action, unless the plaintiff has acted in bad faith in order to prevent a defendant from removing the action.

''(2) If removal of a civil action is sought on the basis of the jurisdiction conferred by section 1332(a), the sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy, except that—

''(A) the notice of removal may assert the amount in controversy if the initial pleading seeks—

''(i) nonmonetary relief; or

''(ii) a money judgment, but the State practice either does not permit demand for a specific sum or permits recovery of damages in excess of the amount demanded; and

''(B) removal of the action is proper on the basis of an amount in controversy asserted under subparagraph (A) if the district court finds, by the preponderance of the evidence, that the amount in controversy exceeds the amount specified in section 1332(a).

''(3)(A) If the case stated by the initial pleading is not removable solely because the amount in controversy does not exceed the amount specified in section 1332(a), information relating to the amount in controversy in the record of the State proceeding, or in responses to discovery, shall be treated as an 'other paper' under subsection (b)(3).

''(B) If the notice of removal is filed more than 1 year after commencement of the action and a finding is made that the plaintiff deliberately failed to disclose the actual amount in controversy to prevent removal, that finding shall be deemed bad faith under paragraph (1).''.

(4) Section 1446 is further amended—

(A) in subsection (d), by striking ''(d) Promptly'' and inserting ''(d) NOTICE TO ADVERSE PARTIES AND STATE COURT.—Promptly'';

(B) by striking ''thirty days'' each place it appears and inserting ''30 days'';

(C) by striking subsection (e); and

(D) in subsection (f), by striking ''(f) With respect'' and inserting ''(e) COUNTERCLAIM IN 337 PROCEEDING.—With respect''.

(c) PROCEDURE FOR REMOVAL OF CRIMINAL ACTIONS.—Chapter 89 of title 28, United States Code, is amended by adding at the end the following new section:

''§ 1454. Procedure for removal of criminal prosecutions

''(a) NOTICE OF REMOVAL.—A defendant or defendants desiring to remove any criminal prosecution from a State court shall file in the district court of the United States for the district and division within which such prosecution is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.

''(b) REQUIREMENTS.—(1) A notice of removal of a criminal prosecution shall be filed not later than 30 days after the arraignment in the State court, or at any time before trial, whichever is earlier, except that for good cause shown the United States district court may enter an order granting the defendant or defendants leave to file the notice at a later time.

''(2) A notice of removal of a criminal prosecution shall include all grounds for such removal. A failure to state grounds that exist at the time of the filing of the notice shall constitute a waiver of such grounds, and a second notice may be filed only on grounds not existing at the time of the original notice. For good cause shown, the United States district court may grant relief from the limitations of this paragraph.

''(3) The filing of a notice of removal of a criminal prosecution shall not prevent the State court in which such prosecution is pending from proceeding further, except that a judgment of conviction shall not be entered unless the prosecution is first remanded.

''(4) The United States district court in which such notice is filed shall examine the notice promptly. If it clearly appears on the face of the notice and any exhibits annexed thereto that removal should not be permitted, the court shall make an order for summary remand.

''(5) If the United States district court does not order the summary remand of such prosecution, it shall order an evidentiary hearing to be held promptly and, after such hearing, shall make such disposition of the prosecution as justice shall require. If the United States district court determines that removal shall be permitted, it shall so notify the State court in which prosecution is pending, which shall proceed no further.

''(c) WRIT OF HABEAS CORPUS.—If the defendant or defendants are in actual custody on process issued by the State court, the district court shall issue its writ of habeas corpus, and the marshal shall thereupon take such defendant or defendants into the marshal's custody and deliver a copy of the writ to the clerk of such State court.''.

(d) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 89 of title 28, United States Code, is amended—

(A) in the item relating to section 1441, by striking ''Actions removable generally'' and inserting ''Removal of civil actions'';

(B) in the item relating to section 1446, by inserting ''of civil actions'' after ''removal''; and

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

''1454. Procedure for removal of criminal prosecutions.''.

(2) Section 1453(b) of title 28, United States Code, is amended by striking ''1446(b)'' and inserting ''1446(c)(1)''.

SEC. 104. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), the amendments made by this title shall take effect upon the expiration of the 30-day period beginning on the date of the enactment of this Act, and shall apply to any action or prosecution commenced on or after such effective date.

(b) TREATMENT OF CASES REMOVED TO FEDERAL COURT.—For purposes of subsection (a), an action or prosecution commenced in State court and removed to Federal court shall be deemed to commence on the date the action or prosecution was commenced, within the meaning of State law, in State court.

TITLE II—VENUE AND TRANSFER IMPROVEMENTS

SEC. 201. SCOPE AND DEFINITIONS.

(a) IN GENERAL.—Chapter 87 of title 28, United States Code, is amended by inserting before section 1391 the following new section:

''§ 1390. Scope

''(a) VENUE DEFINED.—As used in this chapter, the term 'venue' refers to the geographic specification of the proper court or courts for the litigation of a civil action that is within the subject-matter jurisdiction of the district courts in general, and does not refer to any grant or restriction of subject-matter jurisdiction providing for a civil action to be adjudicated only by the district court for a particular district or districts.

''(b) EXCLUSION OF CERTAIN CASES.—Except as otherwise provided by law, this chapter shall not govern the venue of a civil action in which the district court exercises the jurisdiction conferred by section 1333, except that such civil actions may be transferred between district courts as provided in this chapter.

''(c) CLARIFICATION REGARDING CASES REMOVED FROM STATE COURTS.—This chapter shall not determine the district court to which a civil action pending in a State court may be removed, but shall govern the transfer of an action so removed as between districts and divisions of the United States district courts.''.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 87 of title 28, United States Code, is amended by inserting before the item relating to section 1391 the following new item:

''Sec. 1390. Scope.''.

SEC. 202. VENUE GENERALLY.

Section 1391 of title 28, United States Code, is amended as follows:

(1) By striking subsections (a) through (d) and inserting the following:

''(a) APPLICABILITY OF SECTION.—Except as otherwise provided by law—

''(1) this section shall govern the venue of all civil actions brought in district courts of the United States; and

''(2) the proper venue for a civil action shall be determined without regard to whether the action is local or transitory in nature.

''(b) VENUE IN GENERAL.—A civil action may be brought in—

''(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;

''(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or

''(3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

''(c) RESIDENCY.—For all venue purposes—

''(1) a natural person, including an alien lawfully admitted for permanent residence in the United States, shall be deemed to reside in the judicial district in which that person is domiciled;

''(2) a party with the capacity to sue and be sued in its common name under applicable law, whether or not incorporated, shall be deemed to reside, if a defendant, in any judicial district in which such defendant is subject to the court's personal jurisdiction with respect to the civil action in question and, if a plaintiff, only in the judicial district in which it maintains its principal place of business; and

''(3) a defendant not resident in the United States may be sued in any judicial district, and the joinder of such a defendant shall be disregarded in determining where the action may be brought with respect to other defendants.

''(d) RESIDENCY OF CORPORATIONS IN STATES WITH MULTIPLE DISTRICTS.—For purposes of

venue under this chapter, in a State which has more than one judicial district and in which a defendant that is a corporation is subject to personal jurisdiction at the time an action is commenced, such corporation shall be deemed to reside in any district in that State within which its contacts would be sufficient to subject it to personal jurisdiction if that district were a separate State, and, if there is no such district, the corporation shall be deemed to reside in the district within which it has the most significant contacts.''.

(2) In subsection (e)—

(A) in the first paragraph—

(i) by striking ''(1)'', ''(2)'', and ''(3)'' and inserting ''(A)'', ''(B)'', and ''(C)'', respectively; and

(ii) by striking ''(e) A civil action'' and inserting the following:

''(e) ACTIONS WHERE DEFENDANT IS OFFICER OR EMPLOYEE OF THE UNITED STATES.—

''(1) IN GENERAL.—A civil action''; and

(B) in the second undesignated paragraph by striking ''The summons and complaint'' and inserting the following:

''(2) SERVICE.—The summons and complaint''.

(3) In subsection (f), by striking ''(f) A civil action'' and inserting ''(f) CIVIL ACTIONS AGAINST A FOREIGN STATE.—A civil action''.

(4) In subsection (g), by striking ''(g) A civil action'' and inserting ''(g) MULTIPARTY, MULTIFORUM LITIGATION.—A civil action''.

SEC. 203. REPEAL OF SECTION 1392.

Section 1392 of title 28, United States Code, and the item relating to that section in the table of sections at the beginning of chapter 87 of such title, are repealed.

SEC. 204. CHANGE OF VENUE.

Section 1404 of title 28, United States Code, is amended—

(1) in subsection (a), by inserting before the period at the end the following: ''or to any district or division to which all parties have consented''; and

(2) in subsection (d), by striking ''As used in this section'' and inserting ''Transfers from a district court of the United States to the District Court of Guam, the District Court for the Northern Mariana Islands, or the District Court of the Virgin Islands shall not be permitted under this section. As otherwise used in this section,''.

SEC. 205. EFFECTIVE DATE.

The amendments made by this title—

(1) shall take effect upon the expiration of the 30-day period beginning on the date of the enactment of this Act; and

(2) shall apply to—

(A) any action that is commenced in a United States district court on or after such effective date; and

(B) any action that is removed from a State court to a United States district court and that had been commenced, within the meaning of State law, on or after such effective date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. 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 gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, H.R. 4113, the Federal Courts Jurisdiction and Venue Clarification Act of 2010, is intended to clarify a number of uncertainties and technical flaws in laws regarding Federal court jurisdiction and venue that have come to light in recent years. Let me just cite one example.

Under current law, we have an odd scenario where State law claims can be brought in Federal court using a diversity of citizenship basis for Federal jurisdiction even though both parties are residents of the same State; but because one party is a permanent resident, not a citizen, they can claim diversity of citizenship.

H.R. 4113 makes clear that permanent legal residents are treated the same as citizens for the purpose of diversity of citizenship. There are many other technical clarifications in the bill like that.

I would like to thank our ranking member of the full committee, Mr. SMITH, for his leadership in bringing this bill to the floor, and I urge my colleagues to support the bill.

I reserve the balance of my time.

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

The Federal Courts and Venue Clarification Act brings more clarity to the operation of jurisdictional statutes and facilitates the identification of the appropriate State or Federal court in which action should be brought.

I support this legislation and appreciate the bipartisan effort that has been made on the part of Mr. SCOTT, the gentleman from Virginia.

Judges believe the current rules force them to waste time determining jurisdictional issues at the expense of adjudicating the underlying litigation. The contents of this bill are based on recommendations developed and approved by the United States Judicial Conference.

The first version of the bill was developed in 2006, when I chaired the Courts Subcommittee. At the time, we confined our review to jurisdictional issues. Following a hearing and bill introduction, the Courts Subcommittee favorably reported the legislation to the full Judiciary Committee, but no further action was taken.

Since then, jurists, legal scholars, bar groups, and policy-makers rekindled interest in resurrecting the project. This led to a rewriting of the bill to include a second title pertaining to venue.

Given the press of legislative business, the Judiciary Committee was unable to conduct a hearing or markup of H.R. 4113. Instead, we processed, reviewed, and amended the bill informally, working closely with the judiciary and various stakeholders.

In this regard, I thank the Administrative Office of the U.S. Courts, which functioned as a clearinghouse to vet the bill with the Judicial Conference's Federal-State Jurisdiction Committee, academics, and interested stakeholders.

The groups that assisted in this effort include the American Bar Association, Lawyers for Civil Justice, the Federal Bar Association, the American Association for Justice, and the U.S. Chamber of Commerce.

Legal scholars from the law schools at Houston, Chicago-Kent, Loyola, and Duke endorse suggested changes to the original text as developed by Professor Arthur Hellman of the University of Pittsburgh School of Law, who testified at the 2005 Subcommittee hearing and contributed substantially to the project in the 111th Congress.

The result is a thoroughly processed, well-conceived bill that addresses important if mundane jurisdictional and venue issues.

It's legislation that helps federal judges process their work more promptly and fairly while clarifying what litigants should expect as they prepare their cases.

H.R. 4113 contains a number of revisions to federal jurisdictional and venue law. Among the changes, the bill—

clarifies the definition of ''citizenship'' for foreign corporations and domestic corporations doing business abroad;

separates the removal provisions governing civil cases and those governing criminal cases into two statutes;

promotes timeliness of removal by giving each defendant 30 days after service to file a notice of removal;

creates a general venue statute that unifies the approach to venue in diversity and federal question cases, while maintaining current venue standards;

eliminates the outdated ''local action'' rule, which unnecessarily restricts venue choices for certain real-property actions; and

stipulates that a natural person is deemed to reside in the judicial district in which that person is domiciled.

Mr. Speaker, it's taken us about 5 years to reach this point, but the wait was worth the journey. The ''Federal Courts Jurisdiction and Venue Clarification Act'' illustrates how Congress can work with the Judiciary and stakeholders to pursue legislative initiatives that enhance the practice of law and the operations of our federal courts.

This is a bill that ultimately benefits American citizens who use our legal system in defense of their legal rights and civil liberties.

I urge the Members to support H.R. 4113.

I yield back the balance of my time.

Mr. SCOTT of Virginia. 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 Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 4113, 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.

ORGANIZED RETAIL THEFT INVESTIGATION AND PROSECUTION ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5932) to establish the Organized Retail Theft Investigation and Prosecution Unit in the Department of Justice, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5932

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 ''Organized Retail Theft Investigation and Prosecution Act of 2010''.

SEC. 2. ORGANIZED RETAIL THEFT INVESTIGATION AND PROSECUTION UNIT.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish the Organized Retail Theft Investigation and Prosecution Unit (hereinafter in this Act referred to as the ''ORTIP Unit'').

(b) COMPOSITION.—The ORTIP Unit shall include representatives from the Federal Bureau of Investigation, United States Immigration and Customs Enforcement, the United States Secret Service, the United States Postal Inspection Service, prosecutors, and any other personnel necessary to carry out the duties of the ORTIP Unit.

(c) DUTIES.—The duties of the ORTIP Unit are as follows:

(1) To investigate and prosecute those instances of organized retail theft over which the Department of Justice has jurisdiction.

(2) To assist State and local law enforcement agencies in investigating and prosecuting organized retail theft.

(3) To consult with key stakeholders, including retailers and online marketplaces, to obtain information about instances of and trends in organized retail theft.

SEC. 3. DEFINITION.

In this Act, the term ''organized retail theft'' means—

(1) the obtaining of retail merchandise by illegal means for the purpose of reselling or otherwise placing such merchandise back into the stream of commerce; or

(2) aiding or abetting the commission of or conspiring to commit any of the acts described in paragraph (1).

SEC. 4. REPORT.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit a report containing recommendations on how retailers, online businesses, and law enforcement agencies can help prevent and combat organized retail theft to the Chairs and Ranking Members of the Committee on the Judiciary of the House of Representatives and of the Committee on the Judiciary of the Senate. The Attorney General shall make the report available to the public on the web site of the Department of Justice.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attorney General to carry out this Act, $5,000,000 for each of fiscal years 2011 through 2015.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. 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 legislation under consideration.

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

There was no objection.

□ 2050

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

Mr. Speaker, H.R. 5932 directs the Attorney General to establish an Organized Retail Theft Investigation and Prosecution Unit to combat the growing problem of organized retail crime.

Theft from retail establishments has been a problem as long as stores have existed. The problem has gradually grown beyond simple isolated cases of shoplifting and burglary into something far more complex.

It wasn't until the 1980s that organized retail theft was recognized as a phenomenon, and the problem has continued to grow in volume, sophistication and scope. Today, sophisticated, multilevel criminal organizations steal large amounts of high volume products, focusing on small and easily resalable items, and then they resell the goods through a variety means, including flea markets, smaller stores, and, increasingly the Internet. Sales of stolen items over the Internet have evolved to the point where there has been a new crime phenomenon referred to as ''E-fencing.''

With organized retail theft reaching an estimated $30 billion to $42 billion, it impacts everyone from the Big Box retailers to the small independent stores. This type of crime obviously has a direct impact on stores from which the items are stolen. They have fewer items in their inventory to sell and their profits suffer. To make up for it, they must pass along the burden to consumers in the form of higher prices.

Consumer safety is also at risk when retail crime organizations steal consumable products, especially over-the-counter drug items and infant formula, two popular items for organized theft rings. In many cases, after merchandise has been stolen, the products are not stored properly, which can render the products ineffective or even dangerous.

Retailers spend lots of time and resources trying to prevent such thefts and trying to catch the thieves, but it is becoming increasingly difficult to do so. Last year, the Judiciary Committee Subcommittee on Crime held a hearing about the role of the Federal law enforcement in combating this kind of crime. I was encouraged to see that agencies such as the FBI; Immigration and Customs Enforcement, ICE; the Secret Service; and postal inspectors all play a role in investigating organized retail theft.

Through this hearing we learned that there is a definite need for Federal law enforcement agencies in this area because local enforcement agencies face unique challenges in combating organized retail theft. In particular, organized retail theft rings often operate in multiple jurisdictions, making it impossible for any one State or local law enforcement agency to investigate them and prosecute them effectively. In addition, the Internet has made it easier for such sellers to access a national, even international market, for buyers of stolen goods. Finally, the proceeds of these crimes are often laundered with tremendous sophistication.

Because of these challenges and the threat this type of crime poses to our businesses, I believe we must have a better coordinated and much more concentrated Federal effort. H.R. 5932 accordingly directs the Attorney General to establish an Organized Retail Theft Investigation and Prosecution Unit comprised of Federal prosecutors and investigators from the FBI, ICE, the Secret Service, and the Postal Inspection Service. This unit will investigate and prosecute instances of organized retail theft under Federal jurisdiction as well as assist State and local law enforcement agencies in their efforts against these crimes.

I want to thank the retail and online community for their support of this bill, and I commend their efforts to find ways to work together on this effort. We have also received letters in support of the bill from a number of major business groups, including the Coalition Against Retail Crime, the Food Marketing Institute, the National Association of Chain Drugstores, the Entertainment Merchants Association, the Retail Industry Leaders Association, and the National Retail Federation. EBay has also expressed support for the bill.

I am pleased this bill has strong bipartisan support, and I would like to thank the committee chairman, the gentleman from Michigan, Mr. CONYERS, the ranking member, the gentleman from Texas, Mr. SMITH, and my colleague from Virginia, Mr. GOODLATTE, for cosponsoring this important legislation and for their consistent commitment to this issue. I urge my colleagues to support H.R. 5932.

COALITION AGAINST
ORGANIZED RETAIL CRIME

Hon. ROBERT SCOTT,
House Judiciary Committee, House of Representatives, Washington, DC.

DEAR CONGRESSMAN SCOTT: On behalf of the Coalition Against Organized Retail Crime (CAORC) and our membership, we urge you

to support and pass H.R. 5932 the ''Organized Retail Theft Investigation and Prosecution Act of 2010.'' This bipartisan legislation, introduced by Representatives Conyers, Smith, Scott and Goodlatte, is an important first step in addressing this serious issue.

The CAORC, formed in 2001, is comprised of major retailers, grocers, product manufacturers and trade associations committed to bringing attention to the harmful effects and public safety risks associated with organized retail crime. As you know, sophisticated and methodical organized retail crime rings operate across state and local jurisdictions. These crime rings often use organized retail crime to fund other violent activities and utilize traditional money laundering techniques to conceal their profits. It is time the Department of Justice have the resources it needs to effectively investigate and prosecute these criminals.

Retailers spend millions of dollars on robust a security and loss prevention effort, that protects their goods and ensures consumer safety. They are continually upgrading and adapting these programs to limit retail crime. Nevertheless, this criminal activity continues to grow despite our best efforts.

We thank you for your consideration of H.R. 5932 and urge its passage. We look forward to seeing this legislation become law and working with you in the future to continue to work on this crime epidemic.

Sincerely,

JOHN G. EMLING,
Senior Vice President, Government Affairs, Retail Industry Leaders Association.

FOOD MARKETING INSTITUTE,
Arlington, VA, September 20, 2010.

Hon. BOBBY SCOTT,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE SCOTT: The Food Marketing Institute (FMI), on behalf of the nation's grocery industry, wishes to express the industry's strong support for a bill (H.R. 5932) entitled the ''Organized Retail Crime Theft Investigation and Prosecution Act of 2010.'' This bi-partisan initiative, sponsored by Representatives Bobby Scott (D–VA), John Conyers (D–MI), Lamar Smith (R–TX) and Bob Goodlatte (R–VA), will likely be scheduled for consideration and a vote on the floor of the House on Thursday, September 23, 2010.

If enacted into law, H.R. 5932 will establish a special unit within the U.S. Department of Justice (DOJ) to investigate and prosecute instances of organized retail theft (ORT) over which DOJ has jurisdiction as well as provide assistance to State and local law enforcement agencies in their efforts against what is clearly a very serious criminal problem in our country.

The grocery industry is routinely victimized by sophisticated theft rings that are responsible for stealing millions of dollars worth of merchandise from our members' stores annually. FMI firmly believes a more formal federal response as called for in H.R. 5932 is needed because ORT translates into as much as $30 billion in losses each year to the retail community nationwide. Not only do consumers pay higher prices as retailers attempt to recover losses resulting from ORT, but state revenues are also adversely impacted by approximately $1.6 billion in lost sales tax revenue attributable to ORT activity.

Most disturbing is the fact that our customers are often placed at great risk when these criminal enterprises steal certain FDA regulated products, such as infant formula, over-the-counter medications and diabetic supplies, and then resell them in flea markets, pawn shops, swap meets, questionable store front operations and more frequently in recent years via internet auction sites. ORT rings have been known to tamper with the contents of the product and to change labels and expiration dates thereby endangering the health and safety of unknowing consumers, especially infants and the elderly.

In closing, FMI endorses H.R. 5932 and we urge you to vote in favor of this very important initiative.

Sincerely,

LESLIE G. SARASIN,
President and Chief Executive Officer.

Entertainment Merchants Association,
Encino, CA, September 22, 2010.

Re: Organized Retail Theft Investigation and Prosecution Act of 2010 (H.R. 5932).

Hon. ROBERT C. SCOTT,
Chairman, Subcommittee on Crime, Terrorism, and Homeland Security, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the Entertainment Merchants Association (EMA) and the approximately 40,000 retail locations operated by our members throughout the United States to express support for the Organized Retail Theft Investigation and Prosecution Act of 2010 (H.R. 5932). We commend you for introducing this important measure.

Unfortunately, the relatively small size and high desirability of DVDs and video games make them popular targets for organized retail crime perpetrators. Based on the ''shrink'' experience of our members, EMA estimates the loss to retailers in 2008 from DVD shrink (both internal and external sources) to be $449 million and from video game shrink to be $197 million. (Not all of these losses are attributable to organized retail crime, of course.) The losses are even more harmful in light of the 13% decline in DVD sales and 11% decline in video game software sales in 2009. The growth of organized retail crime undoubtedly contributes to these declines in sales.

EMA believes that federal organized retail crime legislation can help stem the shrink of DVD and video games. Specifically, EMA advocates, in part, that federal law should specifically criminalize organized retail crime, prevent criminal gangs from using online marketplaces as fencing bazaars, crack down on counterfeit devices that are used to facilitate organized retail crime, and provide additional resources to investigate and prosecute organized retail crime. (We believe this can and should be done without either unduly impairing the ability of video and video game retailers to participate in the used DVD and video game market or undermining the First Sale provision of the Copyright Act (permitting the resale, rental, or other alienation of a lawfully made copy of a copyrighted work without authorization from the copyright holder), which promotes vigorous retail competition and the wide dissemination of popular works.)

H.R. 5932 would establish an Organized Retail Theft Investigation and Prosecution Unit (ORTIP Unit) in the Department of Justice that would be staffed with investigators, prosecutors and others. The ORTIP Unit would be responsible for investigating and prosecuting instances of organized retail theft, over which the Department of Justice has jurisdiction, assisting State and local law enforcement agencies in investigating and prosecuting organized retail theft. and consulting with and advising victims of organized retail theft. The bill would define ''organized retail theft'' as obtaining retail merchandise by illegal means for the purpose of reselling or otherwise placing such merchandise back into the stream of commerce, aiding or abetting the commission of such acts, or conspiring to commit such acts. H.R. 5932 would also require the Attorney General to submit a report containing recommendations on how retailers, online businesses, and law enforcement agencies can help prevent and combat organized retail theft. Finally, it authorizes $5 million per year for fiscal years 2011 through 2015 to fund the ORTIP Unit.

EMA believes that the Organized Retail Theft Investigation and Prosecution Act of 2010 will enhance the federal government's focus and provide beneficial coordination among all levels of government on organized retail crime. We, therefore, urge its adoption.

About Entertainment Merchants Association

The Entertainment Merchants Association (EMA) is the not-for-profit international trade association dedicated to advancing the interests of the $34 billion home entertainment industry. EMA-member companies operate approximately 35,000 retail outlets in the U.S. and 45,000 around the world that sell and/or rent DVDs, computer and console video games, and digitally distributed versions of these products. Membership comprises the full spectrum of retailers (from single-store specialists to multi-line mass merchants, and both brick and mortar and online stores), distributors, the home video divisions of major and independent motion picture studios, video game publishers, and other related businesses that constitute and support the home entertainment industry. EMA was established in April 2006 through the merger of the Video Software Dealers Association (VSDA) and the Interactive Entertainment Merchants Association (IEMA).

If you have any questions or need further information, you may contact me.

Thank you for the opportunity to express our support for this much-needed bill.

Sincerely,

SEAN DEVLIN BERSELL,
Vice President, Public Affairs.

NATIONAL ASSOCIATION OF CHAIN DRUG STORES,
Alexandria, VA, September 21, 2010.

Hon. BOBBY SCOTT,
House of Representatives, Longworth House Office Building, Washington, DC.

Hon. LAMAR SMITH,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVES SCOTT AND SMITH: The National Association of Chain Drug Stores (NACDS) is writing to thank you for your extraordinary leadership in the fight against organized retail crime (ORC) by introducing and advancing H.R. 5932, the Organized Retail Theft Investigation and Prosecution Act of 2010. This bipartisan legislation is a strong first step to stem the growing problem of organized retail crime by creating a specific task force within the U.S. Department of Justice to investigate and prosecute instances involving ORC.

NACDS represents traditional drug stores, supermarkets, and mass merchants with pharmacies. Its more than 170 chain member companies include regional chains with a

minimum of four stores to national companies. NACDS members also include more than 1,000 suppliers of pharmacy and front-end products, and nearly 90 international members representing 29 countries. Chains operate more than 39,000 pharmacies, and employ a total of more than 2.5 million employees, including 118,000 pharmacists. They fill more than 2.5 billion prescriptions yearly, and have annual sales of over $750 billion. For more information about NACDS, visit www.NACDS.org.

As you know, organized retail crime is responsible for over $30 billion in losses annually, resulting in increased costs for merchants, higher prices for consumers, and lost tax revenue for state and local governments. In addition to increased costs faced by retailers to cover losses and investment in additional security measures, consumers are placed at risk when package tampering occurs on consumer health care products, such as infant formula and OTC medications. These stolen products are repackaged and relabeled to falsely extend a product's expiration date or to hide the fact that the item has been stolen.

NACDS has long advocated for federal legislation that treats theft committed by organized, professional crime rings as a federal felony—especially since much of the stolen product is transported across state lines. Therefore, as Congress continues to examine this issue, we would strongly urge you to consider enacting legislation, such as H.R. 1173, the Organized Retail Crime Act of 2009, which would give federal law enforcement officials the authority to pursue and prosecute individuals who engage in such criminal activities, and H.R. 1166, the E-fencing Enforcement Act of 2009, which would combat the growing problem of the use of online marketplaces by criminals to redistribute stolen merchandise, including those obtained through organized retail crime.

We commend you again for introducing and advancing strong bipartisan legislation that will assist retailers and law enforcement combat the serious problem of organized retail crime, and we look forward to working with you to enact this important legislation.

Sincerely,

STEVEN C. ANDERSON,
President and Chief Executive Officer.

RETAIL INDUSTRY
LEADERS ASSOCIATION,
Arlington, VA.

House of Representatives,
Washington, DC.

DEAR CONGRESSMAN SCOTT: On behalf of the Coalition Against Organized Retail Crime (CAORC) and our membership, we would urge you to vote in favor of H.R. 5932 the ''Organized Retail Theft Investigation and Prosecution Act of 2010'' when it comes before the full body later this week.

RILA is a trade association of the largest and most successful companies in the retail industry. Its member companies include more than 200 retailers, product manufacturers, and service suppliers, which together account for more than $1.5 trillion in annual sales. RILA members operate more than 100,000 stores, manufacturing facilities and distribution centers, have facilities in all 50 states, and provide millions of jobs domestically and worldwide.

This bipartisan legislation, introduced by Representatives Conyers, Smith, Scott and Goodlatte, would create a unit inside the Department of Justice dedicated to investigating and prosecuting organized retail crime (ORC) and assisting state and local law enforcement and prosecuting agencies.

As the U.S Immigration and Customs Enforcement has indicated, ''ORC rings are very sophisticated, compartmentalized and operate similar to criminal organizations involved in drug trafficking or human smuggling. Furthermore, transnational criminal syndicates such as Eastern European street gangs and organized crime elements have become increasingly involved, and utilize traditional money laundering techniques to conceal their profits.'' Furthermore, estimates conclude this crime costs retailers tens of billions of dollars per year and deprives states of hundreds of millions of dollars in lost sales tax revenue.

Retailers spend millions of dollars on robust a security and loss prevention effort, that protects their goods and ensures consumer safety. They are continually upgrading and adapting these programs to limit retail crime. Nevertheless, this criminal activity continues to grow despite their best efforts.

Once again, we ask you to support H.R. 5932.

Sincerely,

JOHN G. EMLING,
Senior Vice President, Government Affairs.

NATIONAL RETAIL FEDERATION,
Washington, DC, September 22, 2010.

Re: Support the ''Organized Retail Theft Investigation and Prosecution Act of 2010'' (H.R. 5932).

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, The Capitol, Washington, DC.

DEAR SPEAKER PELOSI: On behalf of the National Retail Federation (NRF), I am writing to you today to urge your support for the ''Organized Retail Theft Investigation and Prosecution Act of 2010'' (H.R. 5932) when it comes up for a vote on the suspension calendar this week. We believe this bill is one of the keys to protecting both retailers and consumers against the massive economic costs and very real public health and safety risks posed by organized retail crime. Establishing a team of law enforcement professionals dedicated to fighting these crimes and working in close consultation with retailers shows the importance of this issue to industry, consumers and law enforcement, and serves as an important deterrent to perpetrators.

Retailers lose between $15 and $30 billion to organized retail crime (ORC) each year, according to the FBI and retail loss prevention experts. In addition, 89 percent of retailers reported that they were victims of organized retail crime in the past year, according to an annual NRF survey released earlier this year.

ORC rings typically target everyday consumer products that are in high demand and easy to steal, such as infant formula, razor blades, batteries, analgesics, cosmetics and gift cards. More expensive products such as DVDs, CDs, video games, designer clothing and electronics are also highly prized. Once stolen, the goods are resold at pawn shops, flea markets, swap meets and on the Internet. These thefts force retailers to increase prices to cover the losses, and also threaten public health when crime rings tamper with items such as infant formula or medication by extending expiration dates or repackaging and relabeling the items.

This bill will be an important tool in the fight against ORC. It would accomplish this through several key steps. First, it would create an Organized Retail Theft Investigation and Prosecution Unit (ORTIP Unit) in the Department of Justice staffed with investigators, prosecutors and other personnel charged with investigating and prosecuting instances of ORC over which the Department of Justice has jurisdiction. Second, it would define ''organized retail theft'' as obtaining retail merchandise by illegal means for the purpose of reselling or otherwise placing such merchandise back into the stream of commerce, aiding or abetting the commission of such acts, or conspiring to commit such acts. Third, it requires the Attorney General to submit a report containing recommendations on how retailers, online businesses and law enforcement agencies can help prevent and combat organized retail crime. Finally, it authorizes $5 million per year for fiscal years 2011 through 2015 to fund the ORTIP Unit.

As the world's largest retail trade association and the voice of retail worldwide, NRF's global membership includes retailers of all sizes, formats and channels of distribution as well as chain restaurants and industry partners from the United States and more than 45 countries abroad. In the United States, NRF represents the breadth and diversity of an industry with more than 1.6 million American companies that employ nearly 25 million workers and generated 2009 sales of $2.3 trillion.

We thank Representatives Bobby Scott (D–VA), John Conyers (D–MI), Lamar Smith (R–TX) and Bob Goodlatte (R–VA) for their leadership on this important issue. We urge all members of Congress to support their efforts and vote in favor of H.R. 5932.

Sincerely,

STEVE PFISTER,
Senior Vice President, Government Relations.

I reserve the balance of my time.

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

Mr. Speaker, H.R. 5932, the Organized Retail Theft Investigation and Prosecution Act of 2010, is an important step in combating a crime that costs retailers and taxpayers billions of dollars every year. I am pleased to join my Judiciary Committee colleagues Chairman CONYERS, Chairman SCOTT, and Congressman GOODLATTE as an original sponsor of this legislation.

Organized retail theft involves the theft of large quantities of merchandise from retail stores. Unlike shoplifters, these thieves steal the merchandise with the intention of selling it back into the marketplace.

In the past, the majority of these stolen goods were resold at swap meets, flea markets, or pawn shops. Today, the most popular venue for selling stolen goods is the Internet. Web sites such as eBay, Craigslist, and Amazon are being exploited by organized retail thieves to sell their stolen goods with relative ease and anonymity. This dynamic makes it increasingly more difficult for retailers and law enforcement agents to identify and apprehend these thieves.

According to FBI estimates, organized retail theft rings cost businesses more than $30 billion in losses annually. A recent survey conducted by the National Retail Federation found that

nearly 90 percent of the retailers surveyed have been victimized by organized retail theft, an 11 percent increase from 2007. The survey also found that roughly 6 out of 10 retailers have seen an increase in organized retail theft in just the last 12 months.

In 2003, the FBI established an Organized Retail Crime Initiative to identify and dismantle large multijurisdictional organized retail crime rings. This initiative included the formation of a National Retail Federation FBI intelligence network. The network is intended to establish an effective means of sharing organized retail crime information and intelligence to discuss trends as they relate to specific sectors and regions of the retail market, and to identify and target the more sophisticated criminal enterprises.

Earlier this year, the National Retail Federation partnered with eBay to develop greater information sharing between eBay and participating retailers. This partnership is a significant step forward in the fight against organized retail theft. Bringing these two industries together will hopefully increase the likelihood of linking thefts from retail stores to goods offered for sale on eBay's Web site.

H.R. 5932 builds upon these efforts by increasing the Federal resources dedicated to organized retail theft investigation. The bill requires the Attorney General to establish an Organized Retail Theft Investigation and Prosecution Unit within the Department of Justice. This unit will include representatives from the FBI, ICE, the U.S. Secret Service and postal inspectors, as well as prosecutors.

The unit will investigate and prosecute large-scale organized retail thefts and provide assistance to State and local law enforcement agencies. The unit will also work in consultation with retailers and online marketplaces to gather information about and identify trends in organized retail thefts.

H.R. 5932 instructs the Attorney General to prepare a report to Congress on how retailers and law enforcement agencies can best combat OCR. The bill authorizes $5 million a year over 5 years to operate the unit.

This legislation is supported by the National Retail Federation, the Retail Industry Leaders Association, the Coalition Against Organized Retail Crime, the Food Marketing Institute, the National Association of Chain Drugstores, eBay, and the Entertainment Merchants Association.

I would like to thank my colleagues again, Chairman CONYERS, Chairman SCOTT, and Congressman GOODLATTE for their dedication to this issue and for working together to draft this bipartisan legislation. I urge my colleagues to support this bill.

Mr. Speaker, I hope the individual I just mentioned, the gentleman from Virginia, Mr. GOODLATTE, is on his way to the floor, and I hope he will be able to speak on this bill shortly. So I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I appreciate the indulgence of the gentleman from Virginia (Mr. SCOTT), but since our expected speaker is not yet on the floor and I am not entirely certain of the time of his arrival, although I am stalling slightly, I will yield back the balance of my time.

Mr. SCOTT of Virginia. As has been said, Mr. Speaker, I have no further requests for time. I would like to thank the gentleman from Texas for his strong support.

Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Virginia (Mr. GOODLATTE).

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Mr. GOODLATTE. Mr. Speaker, I rise in support of H.R. 5932, the Organized Retail Theft Investigation and Prosecution Act of 2010. This legislation is an important step in combating a growing threat to retailers and consumers.

I am pleased to join my Judiciary Committee colleagues Chairman CONYERS, Ranking Member SMITH and Chairman SCOTT as an original sponsor of this legislation, and I thank the gentleman for true bipartisanship in allowing me to catch my breath in order to be able to give these remarks.

Organized retail theft is a huge and growing problem in the United States. According to FBI estimates, organized retail theft rings cost businesses more than $30 billion in losses annually. Organized retail theft groups target anything from everyday household commodities to health products to baby formula that can be easily sold through flea markets, swap meets, shady storefront operations, and through online marketplaces.

Thieves often travel from retail store to retail store, stealing relatively small amounts of goods from each store but cumulatively stealing significant amounts of goods. Once stolen, these products are sold back to fencing operations, which can dilute, alter, repackage the goods, and then resell them, sometimes back to the same stores from which the products were originally stolen. These goods are also sold at flea markets, pawn shops and increasingly on the Internet.

When a product does not travel through the authorized channels of distribution, there is an increased potential that the product has been altered, diluted, reproduced, and/or repackaged. These so-called ''diverted products'' pose significant health risks to the public, especially the diverted medications and food products. Diverted products also cause considerable financial losses for legitimate manufacturers and retailers. Ultimately, the consumers bear the brunt of these losses as retail establishments are forced to raise prices to cover the additional costs of security and theft prevention measures.

Even more troubling is where the money is going. We have seen evidence that organized retail theft is increasingly being used to fund international organized crime and other nefarious activities. At the State level, organized retail theft crimes are normally prosecuted under State shoplifting statutes as mere misdemeanors. As a result, the thieves who participate in organized retail crime rings typically receive the same punishment as common shoplifters. The thieves who are convicted usually see very limited jail time or are placed on probation.

I believe that the punishment does not fit the crime in these situations. Mere slaps on the wrists of these criminals have practically no deterrent effect. In addition, the low-level criminals who are actually stealing these goods from the shelves are easily replaced by the criminal organization's higher level coordinators.

During my 8 years of working on ways to combat organized retail theft, I found that the Federal law enforcement community believed it had adequate Federal laws to prosecute organized retail theft crimes, but that poor communication, lack of coordination among State and local law enforcement and lack of resources were major impediments to effective enforcement.

In order to improve the communications and intelligence-sharing between industry and law enforcement, I offered an amendment to the Department of Justice's reauthorization bill back in 2005, which created a Federal definition of organized retail theft crimes and directed the FBI to contribute to the construction of a national database housed in the private sector where retail establishments, as well as Federal, State and local law enforcement, could compile evidence on specific organized retail theft crimes to aid investigations and prosecutions. This database, which has now become the current LERPnet, has helped to put the pieces together to show the organized and multi-state nature of these crimes as well as to provide important evidence for prosecutions.

I am also pleased to report that the private sector is working together to address this problem. Earlier this year, the National Retail Federation partnered with eBay to develop greater information sharing between eBay and participating retailers. This partnership will hopefully increase the likelihood that more organized retail theft will be detected and prosecuted. H.R. 5932 will build upon the successes of these efforts to provide additional resources to the FBI to investigate organized retail theft.

The bill funds and requires the Attorney General to establish an organized retail theft investigation and prosecution unit within the Department of Justice. This unit will include representatives from the FBI, ICE, U.S. Secret Service, and postal inspectors, as well as prosecutors. The unit will investigate and prosecute large-scale organized retail thefts and will provide assistance to State and local law enforcement agencies. The unit will also work in consultation with retailers and online marketplaces to gather information about and identify trends in organized retail thefts.

In addition, H.R. 5932 instructs the Attorney General to prepare a report to Congress on how retailers and law enforcement agencies can best combat organized retail theft. This legislation is supported by the National Retail Federation, the Retail Industry Leaders Association, the Coalition Against Organized Retail Crime, the Food Marketing Institute, the National Association of Chain Drug Stores, eBay, and the Entertainment Merchants Association.

Again, I wish to thank my colleagues Chairman CONYERS, Ranking Member SMITH and Chairman SCOTT for their dedication to this issue and for working with me to draft this bipartisan legislation. I urge my colleagues to support the bill.

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

Mr. SCOTT of Virginia. Mr. Speaker, I would urge my colleagues to support H.R. 5932, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 5932, 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.

TWENTY-FIRST CENTURY COMMUNICATIONS AND VIDEO ACCESSIBILITY ACT OF 2010

Mr. MARKEY of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3304) to increase the access of persons with disabilities to modern communications, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3304

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 ''Twenty-First Century Communications and Video Accessibility Act of 2010''.

(b) TABLE OF CONTENTS.—

SEC. 2. LIMITATION ON LIABILITY.

(a) IN GENERAL.—Except as provided in subsection (b), no person shall be liable for a violation of the requirements of this Act (or of the provisions of the Communications Act of 1934 that are amended or added by this Act) with respect to video programming, online content, applications, services, advanced communications services, or equipment used to provide or access advanced communications services to the extent such person—

(1) transmits, routes, or stores in intermediate or transient storage the communications made available through the provision of advanced communications services by a third party; or

(2) provides an information location tool, such as a directory, index, reference, pointer, menu, guide, user interface, or hypertext link, through which an end user obtains access to such video programming, online content, applications, services, advanced communications services, or equipment used to provide or access advanced communications services.

(b) EXCEPTION.—The limitation on liability under subsection (a) shall not apply to any person who relies on third party applications, services, software, hardware, or equipment to comply with the requirements of this Act (or of the provisions of the Communications Act of 1934 that are amended or added by this Act) with respect to video programming, online content, applications, services, advanced communications services, or equipment used to provide or access advanced communications services.

SEC. 3. PROPRIETARY TECHNOLOGY.

No action taken by the Federal Communications Commission to implement this Act or any amendment made by this Act shall mandate the use or incorporation of proprietary technology.

TITLE I—COMMUNICATIONS ACCESS

SEC. 101. DEFINITIONS.

Section 3 of the Communications Act of 1934 (47 U.S.C. 153) is amended—

(1) by adding at the end the following new paragraphs:

''(53) ADVANCED COMMUNICATIONS SERVICES.—The term 'advanced communications services' means—

''(A) interconnected VoIP service;

''(B) non-interconnected VoIP service;

''(C) electronic messaging service; and

''(D) interoperable video conferencing service.

''(54) CONSUMER GENERATED MEDIA.—The term 'consumer generated media' means content created and made available by consumers to online websites and services on the Internet, including video, audio, and multimedia content.

''(55) DISABILITY.—The term 'disability' has the meaning given such term under section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

''(56) ELECTRONIC MESSAGING SERVICE.—The term 'electronic messaging service' means a service that provides real-time or near real-time non-voice messages in text form between individuals over communications networks.

''(57) INTERCONNECTED VOIP SERVICE.—The term 'interconnected VoIP service' has the meaning given such term under section 9.3 of title 47, Code of Federal Regulations, as such section may be amended from time to time.

''(58) NON-INTERCONNECTED VOIP SERVICE.—The term 'non-interconnected VoIP service'—

''(A) means a service that—

''(i) enables real-time voice communications that originate from or terminate to the user's location using Internet protocol or any successor protocol; and

''(ii) requires Internet protocol compatible customer premises equipment; and

''(B) does not include any service that is an interconnected VoIP service.

''(59) INTEROPERABLE VIDEO CONFERENCING SERVICE.—The term 'interoperable video conferencing service' means a service that provides real-time video communications, including audio, to enable users to share information of the user's choosing.''; and

(2) by reordering paragraphs (1) through (52) and the paragraphs added by paragraph (1) of this section in alphabetical order based on the headings of such paragraphs and renumbering such paragraphs as so reordered.

SEC. 102. HEARING AID COMPATIBILITY.

(a) COMPATIBILITY REQUIREMENTS.—

(1) TELEPHONE SERVICE FOR THE DISABLED.—Section 710(b)(1) of the Communications Act of 1934 (47 U.S.C. 610(b)(1)) is amended to read as follows:

''(b)(1) Except as provided in paragraphs (2) and (3) and subsection (c), the Commission shall require that customer premises equipment described in this paragraph provide internal means for effective use with hearing aids that are designed to be compatible with telephones which meet established technical standards for hearing aid compatibility. Customer premises equipment described in this paragraph are the following:

''(A) All essential telephones.

''(B) All telephones manufactured in the United States (other than for export) more than one year after the date of enactment of the Hearing Aid Compatibility Act of 1988 or imported for use in the United States more than one year after such date.

''(C) All customer premises equipment used with advanced communications services that is designed to provide 2-way voice communication via a built-in speaker intended to be held to the ear in a manner functionally equivalent to a telephone, subject to the regulations prescribed by the Commission under subsection (e).''.

(2) ADDITIONAL AMENDMENTS.—Section 710(b) of the Communications Act of 1934 (47 U.S.C. 610(b)) is further amended—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by striking ''initial'';

(bb) by striking ''of this subsection after the date of enactment of the Hearing Aid Compatibility Act of 1988''; and

(cc) by striking ''paragraph (1)(B) of this subsection'' and inserting ''subparagraphs (B) and (C) of paragraph (1)'';

(II) by inserting ''and'' at the end of clause (ii);

(III) by striking clause (iii); and

(IV) by redesignating clause (iv) as clause (iii);

(ii) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B); and

(iii) in subparagraph (B) (as so redesignated)—

(I) by striking the first sentence and inserting ''The Commission shall periodically assess the appropriateness of continuing in effect the exemptions for telephones and other customer premises equipment described in subparagraph (A) of this paragraph.''; and

(II) in each of clauses (iii) and (iv), by striking ''paragraph (1)(B)'' and inserting ''subparagraph (B) or (C) of paragraph (1)'';

(B) in paragraph (4)(B)—

(i) by striking ''public mobile'' and inserting ''telephones used with public mobile'';

(ii) by inserting ''telephones and other customer premises equipment used in whole or in part with'' after ''means'';

(iii) by striking ''and'' after ''public land mobile telephone service,'' and inserting ''or'';

(iv) by striking ''part 22 of''; and

(v) by inserting after ''Regulations'' the following: '', or any functionally equivalent unlicensed wireless services''; and

(C) in paragraph (4)(C)—

(i) by striking ''term 'private radio services' '' and inserting ''term 'telephones used with private radio services' ''; and

(ii) by inserting ''telephones and other customer premises equipment used in whole or in part with'' after ''means''.

(b) TECHNICAL STANDARDS.—Section 710(c) of the Communications Act of 1934 (47 U.S.C. 610(c)) is amended by adding at the end the following: ''A telephone or other customer premises equipment that is compliant with relevant technical standards developed through a public participation process and in consultation with interested consumer stakeholders (designated by the Commission for the purposes of this section) will be considered hearing aid compatible for purposes of this section, until such time as the Commission may determine otherwise. The Commission shall consult with the public, including people with hearing loss, in establishing or approving such technical standards. The Commission may delegate this authority to an employee pursuant to section 5(c). The Commission shall remain the final arbiter as to whether the standards meet the requirements of this section.''.

(c) RULEMAKING.—Section 710(e) of the Communications Act of 1934 (47 U.S.C. 610(e)) is amended—

(1) by striking ''impairments'' and inserting ''loss''; and

(2) by adding at the end the following sentence: ''In implementing the provisions of subsection (b)(1)(C), the Commission shall use appropriate timetables or benchmarks to the extent necessary (1) due to technical feasibility, or (2) to ensure the marketability or availability of new technologies to users.''.

(d) RULE OF CONSTRUCTION.—Section 710(h) of the Communications Act of 1934 (47 U.S.C. 610(h)) is amended to read as follows:

''(h) RULE OF CONSTRUCTION.—Nothing in the Twenty-First Century Communications and Video Accessibility Act of 2010 shall be construed to modify the Commission's regulations set forth in section 20.19 of title 47 of the Code of Federal Regulations, as in effect on the date of enactment of such Act.''.

SEC. 103. RELAY SERVICES.

(a) DEFINITION.—Paragraph (3) of section 225(a) of the Communications Act of 1934 (47 U.S.C. 225(a)(3)) is amended to read as follows:

''(3) TELECOMMUNICATIONS RELAY SERVICES.—The term 'telecommunications relay services' means telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability to engage in communication by wire or radio with one or more individuals, in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability to communicate using voice communication services by wire or radio.''.

(b) INTERNET PROTOCOL-BASED RELAY SERVICES.—Title VII of such Act (47 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

''SEC. 715. INTERNET PROTOCOL-BASED RELAY SERVICES.

''Within one year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, each interconnected VoIP service provider and each provider of non-interconnected VoIP service shall participate in and contribute to the Telecommunications Relay Services Fund established in section 64.604(c)(5)(iii) of title 47, Code of Federal Regulations, as in effect on the date of enactment of such Act, in a manner prescribed by the Commission by regulation to provide for obligations of such providers that are consistent with and comparable to the obligations of other contributors to such Fund.''.

SEC. 104. ACCESS TO ADVANCED COMMUNICATIONS SERVICES AND EQUIPMENT.

(a) TITLE VII AMENDMENT.—Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.), as amended by section 103, is further amended by adding at the end the following new sections:

''SEC. 716. ACCESS TO ADVANCED COMMUNICATIONS SERVICES AND EQUIPMENT.

''(a) MANUFACTURING.—

''(1) IN GENERAL.—With respect to equipment manufactured after the effective date of the regulations established pursuant to subsection (e), and subject to those regulations, a manufacturer of equipment used for advanced communications services, including end user equipment, network equipment, and software, shall ensure that the equipment and software that such manufacturer offers for sale or otherwise distributes in interstate commerce shall be accessible to and usable by individuals with disabilities, unless the requirements of this subsection are not achievable.

''(2) INDUSTRY FLEXIBILITY.—A manufacturer of equipment may satisfy the requirements of paragraph (1) with respect to such equipment by—

''(A) ensuring that the equipment that such manufacturer offers is accessible to and usable by individuals with disabilities without the use of third party applications, peripheral devices, software, hardware, or customer premises equipment; or

''(B) if such manufacturer chooses, using third party applications, peripheral devices, software, hardware, or customer premises equipment that is available to the consumer at nominal cost and that individuals with disabilities can access.

''(b) SERVICE PROVIDERS.—

''(1) IN GENERAL.—With respect to services provided after the effective date of the regulations established pursuant to subsection (e), and subject to those regulations, a provider of advanced communications services shall ensure that such services offered by such provider in or affecting interstate commerce are accessible to and usable by individuals with disabilities, unless the requirements of this subsection are not achievable.

''(2) INDUSTRY FLEXIBILITY.—A provider of services may satisfy the requirements of paragraph (1) with respect to such services by—

''(A) ensuring that the services that such provider offers are accessible to and usable by individuals with disabilities without the use of third party applications, peripheral devices, software, hardware, or customer premises equipment; or

''(B) if such provider chooses, using third party applications, peripheral devices, software, hardware, or customer premises equipment that is available to the consumer at nominal cost and that individuals with disabilities can access.

''(c) COMPATIBILITY.—Whenever the requirements of subsections (a) or (b) are not achievable, a manufacturer or provider shall ensure that its equipment or service is compatible with existing peripheral devices or specialized customer premises equipment commonly used by individuals with disabilities to achieve access, unless the requirement of this subsection is not achievable.

''(d) NETWORK FEATURES, FUNCTIONS, AND CAPABILITIES.—Each provider of advanced communications services has the duty not to install network features, functions, or capabilities that do not impede accessibility or usability.

''(e) REGULATIONS.—

''(1) IN GENERAL.—Within one year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall promulgate such regulations as are necessary to implement this section. In prescribing the regulations, the Commission shall—

''(A) include performance objectives to ensure the accessibility, usability, and compatibility of advanced communications services and the equipment used for advanced communications services by individuals with disabilities;

''(B) provide that advanced communications services, the equipment used for advanced communications services, and networks used to provide advanced communications services may not impair or impede the accessibility of information content when accessibility has been incorporated into that content for transmission through advanced communications services, equipment used for advanced communications services, or networks used to provide advanced communications services;

''(C) determine the obligations under this section of manufacturers, service providers, and providers of applications or services accessed over service provider networks; and

''(D) not mandate technical standards, except that the Commission may adopt technical standards as a safe harbor for such compliance if necessary to facilities the manufacturers' and service providers' compliance with sections (a) through (c).

''(2) PROSPECTIVE GUIDELINES.—The Commission shall issue prospective guidelines for a manufacturer or provider regarding the requirements of this section.

''(f) SERVICES AND EQUIPMENT SUBJECT TO SECTION 255.—The requirements of this section shall not apply to any equipment or

services, including interconnected VoIP service, that are subject to the requirements of section 255 on the day before the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010. Such services and equipment shall remain subject to the requirements of section 255.

''(g) ACHIEVABLE DEFINED.—For purposes of this section and section 718, the term 'achievable' means with reasonable effort or expense, as determined by the Commission. In determining whether the requirements of a provision are achievable, the Commission shall consider the following factors:

''(1) The nature and cost of the steps needed to meet the requirements of this section with respect to the specific equipment or service in question.

''(2) The technical and economic impact on the operation of the manufacturer or provider and on the operation of the specific equipment or service in question, including on the development and deployment of new communications technologies.

''(3) The type of operations of the manufacturer or provider.

''(4) The extent to which the service provider or manufacturer in question offers accessible services or equipment containing varying degrees of functionality and features, and offered at differing price points.

''(h) COMMISSION FLEXIBILITY.—

''(1) WAIVER.—The Commission shall have the authority, on its own motion or in response to a petition by a manufacturer or provider of advanced communications services or any interested party, to waive the requirements of this section for any feature or function of equipment used to provide or access advanced communications services, or for any class of such equipment, for any provider of advanced communications services, or for any class of such services, that—

''(A) is capable of accessing an advanced communications service; and

''(B) is designed for multiple purposes, but is designed primarily for purposes other than using advanced communications services.

''(2) SMALL ENTITY EXEMPTION.—The Commission may exempt small entities from the requirements of this section.

''(i) CUSTOMIZED EQUIPMENT OR SERVICES.—The provisions of this section shall not apply to customized equipment or services that are not offered directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

''(j) RULE OF CONSTRUCTION.—This section shall not be construed to require a manufacturer of equipment used for advanced communications or a provider of advanced communications services to make every feature and function of every device or service accessible for every disability.

''SEC. 717. ENFORCEMENT AND RECORDKEEPING OBLIGATIONS.

''(a) COMPLAINT AND ENFORCEMENT PROCEDURES.—Within one year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall establish regulations that facilitate the filing of formal and informal complaints that allege a violation of section 255, 716, or 718, establish procedures for enforcement actions by the Commission with respect to such violations, and implement the recordkeeping obligations of paragraph (5) for manufacturers and providers subject to such sections. Such regulations shall include the following provisions:

''(1) NO FEE.—The Commission shall not charge any fee to an individual who files a complaint alleging a violation of section 255, 716, or 718.

''(2) RECEIPT OF COMPLAINTS.—The Commission shall establish separate and identifiable electronic, telephonic, and physical receptacles for the receipt of complaints filed under section 255, 716, or 718.

''(3) COMPLAINTS TO THE COMMISSION.—

''(A) IN GENERAL.—Any person alleging a violation of section 255, 716, or 718 by a manufacturer of equipment or provider of service subject to such sections may file a formal or informal complaint with the Commission.

''(B) INVESTIGATION OF INFORMAL COMPLAINT.—The Commission shall investigate the allegations in an informal complaint and, within 180 days after the date on which such complaint was filed with the Commission, issue an order concluding the investigation, unless such complaint is resolved before such time. The order shall include a determination whether any violation occurred.

''(i) If the Commission determines that a violation has occurred, the Commission may, in the order issued under this subparagraph or in a subsequent order, direct the manufacturer or service provider to bring the service, or in the case of a manufacturer, the next generation of the equipment or device, into compliance with requirements of those sections within a reasonable time established by the Commission in its order.

''(ii) NO VIOLATION.—If a determination is made that a violation has not occurred, the Commission shall provide the basis for such determination.

''(C) CONSOLIDATION OF COMPLAINTS.—The Commission may consolidate for investigation and resolution complaints alleging substantially the same violation.

''(4) OPPORTUNITY TO RESPOND.—Before the Commission makes a determination pursuant to paragraph (3), the party that is the subject of the complaint shall have a reasonable opportunity to respond to such complaint, and may include in such response any factors that are relevant to such determination. Before issuing a final order under paragraph (3)(B)(i), the Commission shall provide such party a reasonable opportunity to comment on any proposed remedial action.

''(5) RECORDKEEPING.—(A) Beginning one year after the effective date of regulations promulgated pursuant to section 716(e), each manufacturer and provider subject to sections 255, 716, and 718 shall maintain, in the ordinary course of business and for a reasonable period, records of the efforts taken by such manufacturer or provider to implement sections 255, 716, and 718, including the following:

''(i) Information about the manufacturer's or provider's efforts to consult with individuals with disabilities.

''(ii) Descriptions of the accessibility features of its products and services.

''(iii) Information about the compatibility of such products and services with peripheral devices or specialized customer premise equipment commonly used by individuals with disabilities to achieve access.

''(B) An officer of a manufacturer or provider shall submit to the Commission an annual certification that records are being kept in accordance with subparagraph (A).

''(C) After the filing of a formal or informal complaint against a manufacturer or provider in the manner prescribed in paragraph (3), the Commission may request, and shall keep confidential, a copy of the records maintained by such manufacturer or provider pursuant to subparagraph (A) of this paragraph that are directly relevant to the equipment or service that is the subject of such complaint.

''(6) FAILURE TO ACT.—If the Commission fails to carry out any of its responsibilities to act upon a complaint in the manner prescribed in paragraph (3), the person that filed such complaint may bring an action in the nature of mandamus in the United States Court of Appeals for the District of Columbia to compel the Commission to carry out any such responsibility.

''(7) COMMISSION JURISDICTION.—The limitations of section 255(f) shall apply to any claim that alleges a violation of section 255, 716, or 718. Nothing in this paragraph affects or limits any action for mandamus under paragraph (6) or any appeal pursuant to section 402(b)(10).

''(8) PRIVATE RESOLUTIONS OF COMPLAINTS.—Nothing in the Commission's rules or this Act shall be construed to preclude a person who files a complaint and a manufacturer or provider from resolving a formal or informal complaint prior to the Commission's final determination in a complaint proceeding. In the event of such a resolution, the parties shall jointly request dismissal of the complaint and the Commission shall grant such request.

''(b) REPORTS TO CONGRESS.—

''(1) IN GENERAL.—Every two years after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes the following:

''(A) An assessment of the level of compliance with sections 255, 716, and 718.

''(B) An evaluation of the extent to which any accessibility barriers still exist with respect to new communications technologies.

''(C) The number and nature of complaints received pursuant to subsection (a) during the two years that are the subject of the report.

''(D) A description of the actions taken to resolve such complaints under this section, including forfeiture penalties assessed.

''(E) The length of time that was taken by the Commission to resolve each such complaint.

''(F) The number, status, nature, and outcome of any actions for mandamus filed pursuant to subsection (a)(6) and the number, status, nature, and outcome of any appeals filed pursuant to section 402(b)(10).

''(G) An assessment of the effect of the requirements of this section on the development and deployment of new communications technologies.

''(2) PUBLIC COMMENT REQUIRED.—The Commission shall seek public comment on its tentative findings prior to submission to the Committees of the report under this subsection.

''(c) COMPTROLLER GENERAL ENFORCEMENT STUDY.—

''(1) IN GENERAL.—The Comptroller General shall conduct a study to consider and evaluate the following:

''(A) The Commission's compliance with the requirements of this section, including the Commission's level of compliance with the deadlines established under and pursuant to this section and deadlines for acting on complaints pursuant to subsection (a).

''(B) Whether the enforcement actions taken by the Commission pursuant to this section have been appropriate and effective in ensuring compliance with this section.

''(C) Whether the enforcement provisions under this section are adequate to ensure compliance with this section.

''(D) Whether, and to what extent (if any), the requirements of this section have an effect on the development and deployment of new communications technologies.

''(2) REPORT.—Not later than 5 years after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the results of the study required by paragraph (1), with recommendations for how the enforcement process and measures under this section may be modified or improved.

''(d) CLEARINGHOUSE.—Within one year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall, in consultation with the Architectural and Transportation Barriers Compliance Board, the National Telecommunications and Information Administration, trade associations, and organizations representing individuals with disabilities, establish a clearinghouse of information on the availability of accessible products and services and accessibility solutions required under sections 255, 716, and 718. Such information shall be made publicly available on the Commission's website and by other means, and shall include an annually updated list of products and services with access features.

''(e) OUTREACH AND EDUCATION.—Upon establishment of the clearinghouse of information required under subsection (d), the Commission, in coordination with the National Telecommunications and Information Administration, shall conduct an informational and educational program designed to inform the public about the availability of the clearinghouse and the protections and remedies available under sections 255, 716, and 718.

''SEC. 718. INTERNET BROWSERS BUILT INTO TELEPHONES USED WITH PUBLIC MOBILE SERVICES.

''(a) ACCESSIBILITY.—If a manufacturer of a telephone used with public mobile services (as such term is defined in section 710(b)(4)(B)) includes an Internet browser in such telephone, or if a provider of mobile service arranges for the inclusion of a browser in telephones to sell to customers, the manufacturer or provider shall ensure that the functions of the included browser (including the ability to launch the browser) are accessible to and usable by individuals who are blind or have a visual impairment, unless doing so is not achievable, except that this subsection shall not impose any requirement on such manufacturer or provider—

''(1) to make accessible or usable any Internet browser other than a browser that such manufacturer or provider includes or arranges to include in the telephone; or

''(2) to make Internet content, applications, or services accessible or usable (other than enabling individuals with disabilities to use an included browser to access such content, applications, or services).

''(b) INDUSTRY FLEXIBILITY.—A manufacturer or provider may satisfy the requirements of subsection (a) with respect to such telephone or services by—

''(1) ensuring that the telephone or services that such manufacture or provider offers is accessible to and usable by individuals with disabilities without the use of third party applications, peripheral devices, software, hardware, or customer premises equipment; or

''(2) using third party applications, peripheral devices, software, hardware, or customer premises equipment that is available to the consumer at nominal cost and that individuals with disabilities can access.''.

(b) EFFECTIVE DATE FOR SECTION 718.—Section 718 of the Communications Act of 1934, as added by subsection (a), shall take effect 3 years after the date of enactment of this Act.

(c) TITLE V AMENDMENTS.—Section 503(b)(2) of such Act (47 U.S.C. 503(b)(2)) is amended by adding after subparagraph (E) the following:

''(F) Subject to paragraph (5) of this section, if the violator is a manufacturer or service provider subject to the requirements of section 255, 716, or 718, and is determined by the Commission to have violated any such requirement, the manufacturer or provider shall be liable to the United States for a forfeiture penalty of not more than $100,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $1,000,000 for any single act or failure to act.''.

(d) REVIEW OF COMMISSION DETERMINATIONS.—Section 402(b) of such Act (47 U.S.C. 402(b)) is amended by adding the following new paragraph:

''(10) By any person who is aggrieved or whose interests are adversely affected by a determination made by the Commission under section 717(a)(3).''.

SEC. 105. RELAY SERVICES FOR DEAF-BLIND INDIVIDUALS.

Title VII of the Communications Act of 1934, as amended by section 104, is further amended by adding at the end the following:

''SEC. 719. RELAY SERVICES FOR DEAF-BLIND INDIVIDUALS.

''(a) IN GENERAL.—Within 6 months after the date of enactment of the Equal Access to 21st Century Communications Act, the Commission shall establish rules that define as eligible for relay service support those programs that are approved by the Commission for the distribution of specialized customer premises equipment designed to make telecommunications service, Internet access service, and advanced communications, including interexchange services and advanced telecommunications and information services, accessible by individuals who are deaf-blind.

''(b) INDIVIDUALS WHO ARE DEAF-BLIND DEFINED.—For purposes of this subsection, the term 'individuals who are deaf-blind' has the same meaning given such term in the Helen Keller National Center Act, as amended by the Rehabilitation Act Amendments of 1992 (29 U.S.C. 1905(2)).

''(c) ANNUAL AMOUNT.—The total amount of support the Commission may provide from its interstate relay fund for any fiscal year may not exceed $10,000,000.''.

SEC. 106. EMERGENCY ACCESS ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—For the purpose of achieving equal access to emergency services by individuals with disabilities, as a part of the migration to a national Internet protocol-enabled emergency network, not later than 60 days after the date of enactment of this Act, the Chairman of the Commission shall establish an advisory committee, to be known as the Emergency Access Advisory Committee (referred to in this section as the ''Advisory Committee'').

(b) MEMBERSHIP.—As soon as practicable after the date of enactment of this Act, the Chairman of the Commission shall appoint the members of the Advisory Committee, ensuring a balance between individuals with disabilities and other stakeholders, and shall designate two such members as the co-chairs of the Committee. Members of the Advisory Committee shall be selected from the following groups:

(1) STATE AND LOCAL GOVERNMENT AND EMERGENCY RESPONDER REPRESENTATIVES.—Representatives of State and local governments and representatives of emergency response providers, selected from among individuals nominated by national organizations representing such governments and representatives.

(2) SUBJECT MATTER EXPERTS.—Individuals who have the technical knowledge and expertise to serve on the Advisory Committee in the fulfillment of its duties, including representatives of—

(A) providers of interconnected and non-interconnected VoIP services;

(B) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of interconnected and non-interconnected VoIP services;

(C) national organizations representing individuals with disabilities and senior citizens;

(D) Federal agencies or departments responsible for the implementation of the Next Generation E 9–1–1 system;

(E) the National Institute of Standards and Technology; and

(F) other individuals with such technical knowledge and expertise.

(3) REPRESENTATIVES OF OTHER STAKEHOLDERS AND INTERESTED PARTIES.—Representatives of such other stakeholders and interested and affected parties as the Chairman of the Commission determines appropriate.

(c) DEVELOPMENT OF RECOMMENDATIONS.—Within 1 year after the completion of the member appointment process by the Chairman of the Commission pursuant to subsection (b), the Advisory Committee shall conduct a national survey of individuals with disabilities, seeking input from the groups described in subsection (b)(2), to determine the most effective and efficient technologies and methods by which to enable access to emergency services by individuals with disabilities and shall develop and submit to the Commission recommendations to implement such technologies and methods, including recommendations—

(1) with respect to what actions are necessary as a part of the migration to a national Internet protocol-enabled network to achieve reliable, interoperable communication transmitted over such network that will ensure access to emergency services by individuals with disabilities;

(2) for protocols, technical capabilities, and technical requirements to ensure the reliability and interoperability necessary to ensure access to emergency services by individuals with disabilities;

(3) for the establishment of technical standards for use by public safety answering points, designated default answering points, and local emergency authorities;

(4) for relevant technical standards and requirements for communication devices and equipment and technologies to enable the use of reliable emergency access;

(5) for procedures to be followed by IP-enabled network providers to ensure that such providers do not install features, functions, or capabilities that would conflict with technical standards;

(6) for deadlines by which providers of interconnected and non-interconnected VoIP services and manufacturers of equipment

used for such services shall achieve the actions required in paragraphs (1) through (5), where achievable, and for the possible phase out of the use of current-generation TTY technology to the extent that this technology is replaced with more effective and efficient technologies and methods to enable access to emergency services by individuals with disabilities;

(7) for the establishment of rules to update the Commission's rules with respect to 9–1–1 services and E–911 services (as defined in section 158(e)(4) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(e)(4))), for users of telecommunications relay services as new technologies and methods for providing such relay services are adopted by providers of such relay services; and

(8) that take into account what is technically and economically feasible.

(d) MEETINGS.—

(1) INITIAL MEETING.—The initial meeting of the Advisory Committee shall take place not later than 45 days after the completion of the member appointment process by the Chairman of the Commission pursuant to subsection (b).

(2) OTHER MEETINGS.—After the initial meeting, the Advisory Committee shall meet at the call of the chairs, but no less than monthly until the recommendations required pursuant to subsection (c) are completed and submitted.

(3) NOTICE; OPEN MEETINGS.—Any meetings held by the Advisory Committee shall be duly noticed at least 14 days in advance and shall be open to the public.

(e) RULES.—

(1) QUORUM.—One-third of the members of the Advisory Committee shall constitute a quorum for conducting business of the Advisory Committee.

(2) SUBCOMMITTEES.—To assist the Advisory Committee in carrying out its functions, the chair may establish appropriate subcommittees composed of members of the Advisory Committee and other subject matter experts as determined to be necessary.

(3) ADDITIONAL RULES.—The Advisory Committee may adopt other rules as needed.

(f) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

(g) IMPLEMENTING RECOMMENDATIONS.—The Commission shall have the authority to promulgate regulations to implement the recommendations proposed by the Advisory Committee, as well as any other regulations, technical standards, protocols, and procedures as are necessary to achieve reliable, interoperable communication that ensures access by individuals with disabilities to an Internet protocol-enabled emergency network, where achievable and technically feasible.

(h) DEFINITIONS.—In this section—

(1) the term ''Commission'' means the Federal Communications Commission;

(2) the term ''Chairman'' means the Chairman of the Federal Communications Commission; and

(3) except as otherwise expressly provided, other terms have the meanings given such terms in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

TITLE II—VIDEO PROGRAMMING

SEC. 201. VIDEO PROGRAMMING AND EMERGENCY ACCESS ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Chairman shall establish an advisory committee to be known as the Video Programming and Emergency Access Advisory Committee.

(b) MEMBERSHIP.—As soon as practicable after the date of enactment of this Act, the Chairman shall appoint individuals who have the technical knowledge and engineering expertise to serve on the Advisory Committee in the fulfillment of its duties, including the following:

(1) Representatives of distributors and providers of video programming or a national organization representing such distributors.

(2) Representatives of vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of video programming delivered using Internet protocol or a national organization representing such vendors, developers, or manufacturers.

(3) Representatives of manufacturers of consumer electronics or information technology equipment or a national organization representing such manufacturers.

(4) Representatives of video programming producers or a national organization representing such producers.

(5) Representatives of national organizations representing accessibility advocates, including individuals with disabilities and the elderly.

(6) Representatives of the broadcast television industry or a national organization representing such industry.

(7) Other individuals with technical and engineering expertise, as the Chairman determines appropriate.

(c) COMMISSION OVERSIGHT.—The Chairman shall appoint a member of the Commission's staff to moderate and direct the work of the Advisory Committee.

(d) TECHNICAL STAFF.—The Commission shall appoint a member of the Commission's technical staff to provide technical assistance to the Advisory Committee.

(e) DEVELOPMENT OF RECOMMENDATIONS.—

(1) CLOSED CAPTIONING REPORT.—Within 6 months after the date of the first meeting of the Advisory Committee, the Advisory Committee shall develop and submit to the Commission a report that includes the following:

(A) A recommended schedule of deadlines for the provision of closed captioning service.

(B) An identification of the performance requirement for protocols, technical capabilities, and technical procedures needed to permit content providers, content distributors, Internet service providers, software developers, and device manufacturers to reliably encode, transport, receive, and render closed captions of video programming, except for consumer generated media, delivered using Internet protocol.

(C) An identification of additional protocols, technical capabilities, and technical procedures beyond those available as of the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010 for the delivery of closed captions of video programming, except for consumer generated media, delivered using Internet protocol that are necessary to meet the performance objectives identified under subparagraph (B).

(D) A recommendation for technical standards to address the performance objectives identified in subparagraph (B).

(E) A recommendation for any regulations that may be necessary to ensure compatibility between video programming, except for consumer generated media, delivered using Internet protocol and devices capable of receiving and displaying such programming in order to facilitate access to closed captions.

(2) VIDEO DESCRIPTION, EMERGENCY INFORMATION, USER INTERFACES, AND VIDEO PROGRAMMING GUIDES AND MENUS.—Within 18 months after the date of enactment of this Act, the Advisory Committee shall develop and submit to the Commission a report that includes the following:

(A) A recommended schedule of deadlines for the provision of video description and emergency information.

(B) An identification of the performance requirement for protocols, technical capabilities, and technical procedures needed to permit content providers, content distributors, Internet service providers, software developers, and device manufacturers to reliably encode, transport, receive, and render video descriptions of video programming, except for consumer generated media, and emergency information delivered using Internet protocol or digital broadcast television.

(C) An identification of additional protocols, technical capabilities, and technical procedures beyond those available as of the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010 for the delivery of video descriptions of video programming, except for consumer generated media, and emergency information delivered using Internet protocol that are necessary to meet the performance objectives identified under subparagraph (B).

(D) A recommendation for technical standards to address the performance objectives identified in subparagraph (B).

(E) A recommendation for any regulations that may be necessary to ensure compatibility between video programming, except for consumer generated media, delivered using Internet protocol and devices capable of receiving and displaying such programming, except for consumer generated media, in order to facilitate access to video descriptions and emergency information.

(F) With respect to user interfaces, a recommendation for the standards, protocols, and procedures used to enable the functions of apparatus designed to receive or display video programming transmitted simultaneously with sound (including apparatus designed to receive or display video programming transmitted by means of services using Internet protocol) to be accessible to and usable by individuals with disabilities.

(G) With respect to user interfaces, a recommendation for the standards, protocols, and procedures used to enable on-screen text menus and other visual indicators used to access the functions on an apparatus described in subparagraph (F) to be accompanied by audio output so that such menus or indicators are accessible to and usable by individuals with disabilities.

(H) With respect to video programming guides and menus, a recommendation for the standards, protocols, and procedures used to enable video programming information and selection provided by means of a navigation device, guide, or menu to be accessible in real-time by individuals who are blind or visually impaired.

(3) CONSIDERATION OF WORK BY STANDARD-SETTING ORGANIZATIONS.—The recommendations of the advisory committee shall, insofar as possible, incorporate the standards, protocols, and procedures that have been adopted by recognized industry standard-setting organizations for each of the purposes described in paragraphs (1) and (2).

(f) MEETINGS.—

(1) INITIAL MEETING.—The initial meeting of the Advisory Committee shall take place not later than 180 days after the date of the enactment of this Act.

(2) OTHER MEETINGS.—After the initial meeting, the Advisory Committee shall meet at the call of the Chairman.

(3) NOTICE; OPEN MEETINGS.—Any meeting held by the Advisory Committee shall be noticed at least 14 days before such meeting and shall be open to the public.

(g) PROCEDURAL RULES.—

(1) QUORUM.—The presence of one-third of the members of the Advisory Committee shall constitute a quorum for conducting the business of the Advisory Committee.

(2) SUBCOMMITTEES.—To assist the Advisory Committee in carrying out its functions, the Chairman may establish appropriate subcommittees composed of members of the Advisory Committee and other subject matter experts.

(3) ADDITIONAL PROCEDURAL RULES.—The Advisory Committee may adopt other procedural rules as needed.

(h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

SEC. 202. VIDEO DESCRIPTION AND CLOSED CAPTIONING.

(a) VIDEO DESCRIPTION.—Section 713 of the Communications Act of 1934 (47 U.S.C. 613) is amended—

(1) by striking subsections (f) and (g);

(2) by redesignating subsection (h) as subsection (j); and

(3) by inserting after subsection (e) the following:

''(f) VIDEO DESCRIPTION.—

''(1) REINSTATEMENT OF REGULATIONS.—On the day that is 1 year after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall, after a rulemaking, reinstate its video description regulations contained in the Implementation of Video Description of Video Programming Report and Order (15 F.C.C.R. 15,230 (2000)), recon. granted in part and denied in part, (16 F.C.C.R. 1251 (2001)), modified as provided in paragraph (2).

''(2) MODIFICATIONS TO REINSTATED REGULATIONS.—Such regulations shall be modified only as follows:

''(A) The regulations shall apply to video programming, as defined in subsection (h), insofar as and programming is transmitted for display on television in digital format.

''(B) The Commission shall update the list of the top 25 designated market areas, the list of the top 5 national nonbroadcast networks that at least 50 hours per quarter of prime time programming that is not exempt under this paragraph, and the beginning calendar quarter for which compliance shall be calculated.

''(C) The regulations may permit a provider of video programming or a program owner to petition the Commission for an exemption from the requirements of this section upon a showing that the requirements contained in this section be economically burdensome.

''(D) The Commission may exempt from the regulations established pursuant to paragraph (1) a service, class of services, program, class of programs, equipment, or class of equipment for which the Commission has determined that the application of such regulations would be economically burdensome for the provider of such service, program, or equipment.

''(E) The regulations shall not apply to live or near-live programming.

''(F) The regulations shall provide for an appropriate phased schedule of deadlines for compliance.

''(G) The Commission shall consider extending the exemptions and limitations in the reinstated regulations for technical capability reasons to all providers and owners of video programming.

''(3) INQUIRIES ON FURTHER VIDEO DESCRIPTION REQUIREMENTS.—The Commission shall commence the following inquiries not later than 1 year after the completion of the phase-in of the reinstated regulations and shall report to Congress 1 year thereafter on the findings for each of the following:

''(A) VIDEO DESCRIPTION IN TELEVISION PROGRAMMING.—The availability, use, and benefits of video description on video programming distributed on television, the technical and creative issues associated with providing such video description, and the financial costs of providing such video description for providers of video programming and program owners.

''(B) VIDEO DESCRIPTION IN VIDEO PROGRAMMING DISTRIBUTED ON THE INTERNET.—The technical and operational issues, costs, and benefits of providing video descriptions for video programming that is delivered using Internet protocol.

''(4) CONTINUING COMMISSION AUTHORITY.—

''(A) IN GENERAL.—The Commission may not issue additional regulations unless the Commission determines, at least 2 years after completing the reports required in paragraph (3), that the need for and benefits of providing video description for video programming, insofar as such programming is transmitted for display on television, are greater than the technical and economic costs of providing such additional programming.

''(B) LIMITATION.—If the Commission makes the determination under subparagraph (A) and issues additional regulations, the Commission may not increase, in total, the hour requirement for additional described programming by more than 75 percent of the requirement in the regulations reinstated under paragraph (1).

''(C) APPLICATION TO DESIGNATED MARKET AREAS.—

''(i) IN GENERAL.—After the Commission completes the reports on video description required in paragraph (3), the Commission shall phase in the video description regulations for the top 60 designated market areas, except that the Commission may grant waivers to entities in specific designated market areas where it deems appropriate.

''(ii) PHASE-IN DEADLINE.—The phase-in described in clause (i) shall be completed not later than 6 years after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010.

''(iii) REPORT.—Nine years after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall submit to the Committee on Energy of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report assessing—

''(I) the types of described video programming that is available to consumers;

''(II) consumer use of such programming;

''(III) the costs to program owners, providers, and distributors of creating such programming;

''(IV) the potential costs to program owners, providers, and distributors in designated market areas outside of the top 60 of creating such programming;

''(V) the benefits to consumers of such programming;

''(VI) the amount of such programming currently available; and

''(VII) the need for additional described programming in designated market areas outside the top 60.

''(iv) ADDITIONAL MARKET AREAS.—Ten years after the date of enactment of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall have the authority, based upon the findings, conclusions, and recommendations contained in the report under clause (iii), to phase in the video description regulations for up to an additional 10 designated market areas each year—

''(I) if the costs of implementing the video description regulations to program owners, providers, and distributors in those additional markets are reasonable, as determined by the Commission; and

''(II) except that the Commission may grant waivers to entities in specific designated market areas where it deems appropriate.

''(g) EMERGENCY INFORMATION.—Not later than 1 year after the Advisory Committee report under subsection (e)(2) is submitted to the Commission, the Commission shall complete a proceeding to—

''(1) identify methods to convey emergency information (as that term is defined in section 79.2 of title 47, Code of Federal Regulations) in a manner accessible to individuals who are blind or visually impaired; and

''(2) promulgate regulations that require video programming providers and video programming distributors (as those terms are defined in section 79.1 of title 47, Code of Federal Regulations) and program owners to convey such emergency information in a manner accessible to individuals who are blind or visually impaired.

''(h) DEFINITIONS.—For purposes of this section, section 303, and section 330:

''(1) VIDEO DESCRIPTION.—The term 'video description' means the insertion of audio narrated descriptions of a television program's key visual elements into natural pauses between the program's dialogue.

''(2) VIDEO PROGRAMMING.—The term 'video programming' means programming by, or generally considered comparable to programming provided by a television broadcast station, but not including consumer-generated media (as defined in section 3).

(b) CLOSED CAPTIONING ON VIDEO PROGRAMMING DELIVERED USING INTERNET PROTOCOL.—Section 713 of such Act is further amended by striking subsection (c) and inserting the following:

''(c) DEADLINES FOR CAPTIONING.—

''(1) IN GENERAL.—The regulations prescribed pursuant to subsection (b) shall include an appropriate schedule of deadlines for the provision of closed captioning of video programming once published or exhibited on television.

''(2) DEADLINES FOR PROGRAMMING DELIVERED USING INTERNET PROTOCOL.—

''(A) REGULATIONS ON CLOSED CAPTIONING ON VIDEO PROGRAMMING DELIVERED USING INTERNET PROTOCOL.—Not later than 6 months after the submission of the report to the Commission required by subsection (e)(1) of the Twenty-First Century Communications and Video Accessibility Act of 2010, the Commission shall revise its regulations to require the provision of closed captioning on video programming delivered using Internet protocol that was published or exhibited on television with captions after the effective date of such regulations.

''(B) SCHEDULE.—The regulations prescribed under this paragraph shall include an

appropriate schedule of deadlines for the provision of closed captioning, taking into account whether such programming is prerecorded and edited for Internet distribution, or whether such programming is live or near-live and not edited for Internet distribution.

''(C) COST.—The Commission may delay or waive the regulation promulgated under subparagraph (A) to the extent the Commission finds that the application of the regulation to live video programming delivered using Internet protocol with captions after the effective date of such regulations would be economically burdensome to providers of video programming or program owners.

''(D) REQUIREMENTS FOR REGULATIONS.—The regulations prescribed under this paragraph—

''(i) shall contain a definition of 'near-live programming' and 'edited for Internet distribution';

''(ii) may exempt any service, class of service, program, class of program, equipment, or class of equipment for which the Commission has determined that the application of such regulations would be economically burdensome for the provider of such service, program, or equipment;

''(iii) shall clarify that, for the purposes of implementation, of this subsection, the terms 'video programming distribution' and 'video programming providers' include an entity that makes available directly to the end user video programming through a distribution method that uses Internet protocol;

''(iv) and describe the responsibilities of video programming providers or distributors and video programming owners;

''(v) shall establish a mechanism to make available to video progamming providers and distributors information on video programming subject to the Act on an ongoing basis;

''(vi) shall consider that the video programming provider or distributor shall be deemed in compliance if such entity enables the rendering or pass through of closed captions and video description signals and make a good faith effort to identify video programming subject to the Act using the mechanism created in (v); and

''(vii) shall provide that de minimis failure to comply with such regulations by a video programming provider or owner shall not be treated as a violation of the regulations.

''(3) ALTERNATE MEANS OF COMPLIANCE.—An entity may meet the requirements of this section through alternate means than those prescribed by regulations pursuant to subsection (b), as revised pursuant to paragraph (2)(A) of this subsection, if the requirements of this section are met, as determined by the Commission.''.

(c) CONFORMING AMENDMENT.—Section 713(d) of such Act is amended by striking paragraph (3) and inserting the following:

''(3) a provider of video programming or program owner may petition the Commission for an exemption from the requirements of this section, and the Commission may grant such petition upon a showing that the requirements contained in this section would be economically burdensome. During the pendency of such a petition, such provider or owner shall be exempt from the requirements of this section. The Commission shall act to grant or deny any such petition, in whole or in part, within 6 months after the Commission receives such petition, unless the Commission finds that an extension of the 6-month period is necessary to determine whether such requirements are economically burdensome.''.

SEC. 203. CLOSED CAPTIONING DECODER AND VIDEO DESCRIPTION CAPABILITY.

(a) AUTHORITY TO REGULATE.—Section 303(u) of the Communications Act of 1934 (47 U.S.C. 303(u)) is amended to read as follows:

''(u) Require that, if technically feasible—

''(1) apparatus designed to receive or play back video programming transmitted simultaneously with sound, if such apparatus is manufactured in the United States or imported for use in the United States and uses a picture screen of any size—

''(A) be equipped with built-in closed caption decoder circuitry or capability designed to display closed-captioned video programming;

''(B) have the capability to decode and make available the transmission and delivery of video description services as required by regulations reinstated and modified pursuant to section 713(f); and

''(C) have the capability to decode and make available emergency information (as that term is defined in section 79.2 of the Commission's regulations (47 CFR 79.2)) in a manner that is accessible to individuals who are blind or visually impaired; and

''(2) notwithstanding paragraph (1) of this subsection—

''(A) apparatus described in such paragraph that use a picture screen that is less than 13 inches in size meet the requirements of subparagraph (A), (B), or (C) of such paragraph only if the requirements of such subparagraphs are achievable (as defined in section 716);

''(B) any apparatus or class of apparatus that are display-only video monitors with no playback capability are exempt from the requirements of such paragraph; and

''(C) the Commission shall have the authority, on its own motion or in response to a petition by a manufacturer, to waive the requirements of this subsection for any apparatus or class of apparatus—

''(i) primarily designed for activities other than receiving or playing back video programming transmitted simultaneously with sound; or

''(ii) for equipment designed for multiple purposes, capable of receiving or playing video programming transmitted simultaneously with sound but whose essential utility is derived from other purposes.''.

(b) OTHER DEVICES.—Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is further amended by adding at the end the following new subsection:

''(z) Require that—

''(1) if achievable (as defined in section 716), apparatus designed to record video programming transmitted simultaneously with sound, if such apparatus is manufactured in the United States or imported for use in the United States, enable the rendering or the pass through of closed captions, video description signals, and emergency information (as that term is defined in section 79.2 of title 47, Code of Federal Regulations) such that viewers are able to activate and de-activate the closed captions and video description as the video programming is played back on a picture screen of any size; and

''(2) interconnection mechanisms and standards for digital video source devices are available to carry from the source device to the consumer equipment the information necessary to permit or render the display of closed captions and to make encoded video description and emergency information audible.''.

(c) SHIPMENT IN COMMERCE.—Section 330(b) of the Communications Act of 1934 (47 U.S.C. 330(b)) is amended—

(1) by striking ''303(u)'' in the first sentence and inserting ''303(u) and (z)'';

(2) by striking the second sentence and inserting the following: ''Such rules shall provide performance and display standards for such built-in decoder circuitry or capability designed to display closed captioned video programming, the transmission and delivery of video description services, and the conveyance of emergency information as required by section 303 of this Act.''; and

(3) in the fourth sentence, by striking ''closed-captioning service continues'' and inserting ''closed-captioning service and video description service continue''.

(d) IMPLEMENTING REGULATIONS.—The Federal Communications Commission shall prescribe such regulations as are necessary to implement the requirements of sections 303(u), 303(z), and 330(b) of the Communications Act of 1934, as amended by this section, including any technical standards, protocols, and procedures needed for the transmission of—

(1) closed captioning within 6 months after the submission to the Commission of the Advisory Committee report required by section 201(e)(1); and

(2) video description and emergency information within 18 months after the submission to the Commission of the Advisory Committee report required by section 201(e)(2).

(e) ALTERNATE MEANS OF COMPLIANCE.—An entity may meet the requirements of sections 303(u), 303(z), and 330(b) of the Communications Act of 1934 through alternate means than those prescribed by regulations pursuant to subsection (d) if the requirements of those sections are met, as determined by the Commission.

SEC. 204. USER INTERFACES ON DIGITAL APPARATUS.

(a) AMENDMENT.—Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is further amended by adding after subsection (z), as added by section 203 of this Act, the following new subsection:

''(aa) Require—

''(1) if achievable (as defined in section 716) that digital apparatus designed to receive or play back video programming transmitted in digital format simultaneously with sound, including apparatus designed to receive or display video programming transmitted in digital format using Internet protocol, be designed, developed, and fabricated so that control of appropriate built-in apparatus functions are accessible to and usable by individuals who are blind or visually impaired, except that the Commission may not specify the technical standards, protocols, procedures, and other technical requirements for meeting this requirement;

''(2) that if on-screen text menus or other visual indicators built in to the digital apparatus are used to access the functions of the apparatus described in paragraph (1), such functions shall be accompanied by audio output that is either integrated or peripheral to the apparatus, so that such menus or indicators are accessible to and usable by individuals who are blind or visually impaired in real-time;

''(3) that for such apparatus equipped with the functions described in paragraphs (1) and (2) built in access to those closed captioning and video description features through a mechanism that is reasonably comparable to a button, key, or icon designated by activating the closed captioning or accessibility features; and

''(4) that in applying this subsection the term 'apparatus' does not include a navigation device, as such term is defined in section 76.1200 of the Commission's rules (47 CFR 76.1200).''.

(b) IMPLEMENTING REGULATIONS.—Within 18 months after the submission to the Commission of the Advisory Committee report required by section 201(e)(2), the Commission shall prescribe such regulations as are necessary to implement the amendments made by subsection (a).

(c) ALTERNATE MEANS OF COMPLIANCE.—An entity may meet the requirements of section 303(aa) of the Communications Act of 1934 through alternate means than those prescribed by regulations pursuant to subsection (b) if the requirements of those sections are met, as determined by the Commission.

(d) DEFERRAL OF COMPLIANCE WITH ATSC MOBILE DTV STANDARD A/153.—A digital apparatus designed and manufactured to receive or play back the Advanced Television Systems Committee's Mobile DTV Standards A/153 shall not be required to meet the requirements of the regulations prescribed under subsection (b) for a period of not less than 24 months after the date on which the final regulations are published in the Federal Register.

SEC. 205. ACCESS TO VIDEO PROGRAMMING GUIDES AND MENUS PROVIDED ON NAVIGATION DEVICES.

(a) AMENDMENT.—Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is further amended by adding after subsection (aa), as added by section 204 of this Act, the following new subsection:

''(bb) Require—

''(1) if achievable (as defined in section 716), that the on-screen text menus and guides provided by navigation devices (as such term is defined in section 76.1200 of title 47, Code of Federal Regulations) for the display or selection of multichannel video programming are audibly accessible in real-time upon request by individuals who are blind or visually impaired, except that the Commission may not specify the technical standards, protocols, procedures, and other technical requirements for meeting this requirement; and

''(2) for navigation devices with built-in closed captioning capability, that access to that capability through a mechanism is reasonably comparable to a button, key, or icon designated for activating the closed captioning, or accessibility features.

With respect to apparatus features and functions delivered in software, the requirements set forth in this subsection shall apply to the manufacturer of such software. With respect to apparatus features and functions delivered in hardware, the requirements set forth in this subsection shall apply to the manufacturer of such hardware.''.

(b) IMPLEMENTING REGULATIONS.—

(1) IN GENERAL.—Within 18 months after the submission to the Commission of the Advisory Committee report required by section 201(e)(2), the Commission shall prescribe such regulations as are necessary to implement the amendment made by subsection (a).

(2) EXEMPTION.—Such regulations may provide an exemption from the regulations for cable systems serving 20,000 or fewer subscribers.

(3) RESPONSIBILITY.—An entity shall only be responsible for compliance with the requirements added by this section with respect to navigation devices that it provides to a requesting blind or visually impaired individual.

(4) SEPARATE EQUIPMENT OR SOFTWARE.—

(A) IN GENERAL.—Such regulations shall permit but not require the entity providing the navigation device to the requesting blind or visually impaired individual to comply with section 303(bb)(1) of the Communications Act of 1934 through that entity's use of software, a peripheral device, specialized consumer premises equipment, a network-based service or other solution, and shall provide the maximum flexibility to select the manner of compliance.

(B) REQUIREMENTS.—If an entity complies with section 303(bb)(1) of the Communications Act of 1934 under subparagraph (A), the entity providing the navigation device to the requesting blind or visually impaired individual shall provide any such software, peripheral device, equipment, service, or solution at no additional charge and within a reasonable time to such individual and shall ensure that such software, device, equipment, service, or solution provides the access required by such regulations.

(5) USER CONTROLS FOR CLOSED CAPTIONING.—Such regulations shall permit the entity providing the navigation device maximum flexibility in the selection of means for compliance with section 303(bb)(2) of the Communications Act of 1934 (as added by subsection (a) of this section).

(6) PHASE-IN.—

(A) IN GENERAL.—The Commission shall provide affected entities with—

(i) not less than 2 years after the adoption of such regulations to begin placing in service devices that comply with the requirements of section 303(bb)(2) of the Communications Act of 1934 (as added by subsection (a) of this section); and

(ii) not less than 3 years after the adoption of such regulations to begin placing in service devices that comply with the requirements of section 303(bb)(1) of the Communications Act of 1934 (as added by subsection (a) of this section).

(B) APPLICATION.—Such regulations shall apply only to devices manufactured or imported on or after the respective effective dates established in subparagraph (A).

SEC. 206. DEFINITIONS.

In this title:

(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the advisory committee established in section 201.

(2) CHAIRMAN.—The term ''Chairman'' means the Chairman of the Federal Communications Commission.

(3) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(4) EMERGENCY INFORMATION.—The term ''emergency information'' has the meaning given such term in section 79.2 of title 47, Code of Federal Regulations.

(5) INTERNET PROTOCOL.—The term ''Internet protocol'' includes Transmission Control Protocol and a successor protocol or technology to Internet protocol.

(6) NAVIGATION DEVICE.—The term ''navigation device'' has the meaning given such term in section 76.1200 of title 47, Code of Federal Regulations.

(7) VIDEO DESCRIPTION.—The term ''video description'' has the meaning given such term in section 713 of the Communications Act of 1934 (47 U.S.C. 613).

(8) VIDEO PROGRAMMING.—The term ''video programming'' has the meaning given such term in section 713 of the Communications Act of 1934 (47 U.S.C. 613).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY of Massachusetts. I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by commending subcommittee Chairman BOUCHER for his incredible work on this issue. I also commend Chairman WAXMAN, who dedicated a lot of time to making sure that this piece of legislation would come to fruition here this evening. I would also like to thank Chairman STEARNS—Ranking Member STEARNS on the minority side—along with Mr. BARTON, who is the ranking member of the full committee, Mr. BURGESS, and all of the minority members.

If you were to look up in the dictionary the words ''bipartisan effort,'' this bill's number would be next to that effort.

□ 2110

On July 26, the 20th anniversary of the Americans with Disabilities Act, the House passed, by an overwhelming bipartisan margin of 348–23, the 21st Century Communications and Video Accessibility Act that I'd introduced last year to update the ADA for the digital era.

On August 5 the Senate passed the companion bill by unanimous consent, and then on September 22 the Senate unanimously passed the bill to make technical corrections to its companion bill. We are now taking up both of these bills, and we'll send them, after passage, to the President to be signed into law.

If you're an individual who's blind, deaf, or both, navigating an intersection can be a challenge, but navigating the Internet can sometimes be even more difficult; and that's because laws to ensure equal treatment for Americans with disabilities have focused primarily on things like wheelchair access rather than Web access. That is about to change.

At this historic moment, I'd like to think that Helen Keller and Annie Sullivan are looking down on us here tonight and smiling. This picture was taken in 1888 in Brewster, Massachusetts, on Cape Cod. Whether it is a braille reader or a broadband connection, access to technology is not a political issue—it's a participation issue. Each of us should be able to participate in the world to the fullest extent possible, and the latest communications and video devices and services can enrich and ennoble how Americans experience and enjoy their lives.

Coming out of the Energy and Commerce Committee's Telecommunications Subcommittee over the last two decades have been a whole series of legislative initiatives aimed at broadening access for Americans who are

disabled to technologies that can help them do things that most of us take for granted.

In 1990, we made sure that Americans who are deaf could make telephone calls.

Around the same time, 1990, we mandated that television shows be closed captioned for the deaf so that they can enjoy the same entertainment and other programming as many Americans. Many deaf and hard-of-hearing people say that closed captioning is the single modern accessibility technology that has changed their lives the most.

And in 1996, in the Telecommunications Act, we inserted language which required accessibility of all telephone equipment, including telephones, telephone calls, call waiting, speed dialing, caller ID, and related services.

Twenty years ago, the ADA mandated physical ramps into buildings. Today, individuals with disabilities need online ramps to the Internet so that they can get to the Web from wherever they happen to be.

From the time of Helen Keller and Annie Sullivan through the Americans with Disabilities Act to closed captioning for television programming and ability of the deaf to make telephone calls, and now to the 21st Century Communications and Video Accessibility Act on the floor tonight, we've made important progress. We've moved from braille to broadcast, from broadband to the BlackBerry.

Annie Sullivan used special language she spelled in Helen Keller's palm. In the 21st century, we've moved from tracing letters of the alphabet on a palm to navigating a Palm Pilot, and we must ensure that all of these devices are accessible to the deaf and the blind in our society. That's what this legislation does here this evening.

Annie Sullivan was an incredibly dedicated and determined teacher. Now, technology needs to be the teacher, the constant companion providing instruction and access to the world and opportunities that otherwise would be out of reach. Helen Keller did learn to speak—and Helen Keller is still speaking to us tonight—about how all of us should make the most of our abilities and participate in society to the fullest, but we need the technologies to make that possible being made accessible to each American.

The bill we are considering tonight significantly increases accessibility for Americans with disabilities to the indispensable telecommunications and video technology tools of the 21st century by making getting on the Web easier through improved user interfaces for smartphones; enabling Americans who are blind to enjoy TV more fully through audible descriptions of the on-air action; making cable TV program guides and selection menus accessible to people with vision loss; providing Americans who are deaf the ability to watch new TV programs online with the captions included; mandating that remote controls have a button or similar mechanism to easily access the closed captioning on broadcast and pay TV; requiring that telecom equipment used to make calls over the Internet is compatible with hearing aids; and for low-income Americans who are deaf and blind, providing a share of the total $10 million per year of funding to purchase accessible Internet access and telecom services so these individuals can more fully participate in our society.

I thank my colleagues for their support for this landmark legislation.

I reserve the balance of my time.

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

This bill will help Americans with hearing or vision disabilities, or those who have both, allow them access to 21st century technology and prohibit the Federal Communications Commission from mandating proprietary technologies, relying instead on advisory committees and industry-developed technical standards.

The members of the House Energy and Commerce Committee, on a bipartisan basis, supported this legislation when it moved through the committee and the House in July. I want to commend my colleagues on the other side of the aisle for working with the minority and with all of the stakeholders to get a consensus. Because of that work, the bill originally passed this House by a vote of 348–23.

We are now considering the Senate version in an effort to move the bill quickly to the President. Unfortunately, the version from the other body originally included a number of significant technical errors. To fix those errors, the other body passed S. 3828 to make corrections to their work.

As corrected, S. 3304, like the House bill, includes language explicitly stating that the new provisions of the law shall not be construed to require every feature and function, of every device or service, to be accessible for every disability. Furthermore, the law will create goals rather than impose technology mandates, which will allow innovation in this area to flourish. In that same spirit, it allows manufacturers and providers to rely on third-party solutions in order to achieve accessibility for people with disabilities.

However, all businesses and their products are not created equal. This bill recognizes that some small businesses and fledgling entrepreneurs may not be able to bear the financial burden of these new requirements, so there is the possibility of exemptions for small businesses. The legislation also contemplates waivers for some multifunction devices that are not primarily designed for advanced communications, as well as authorizes the Federal Communications Commission to grant waivers to address concerns of the electronics community about very small devices.

I, again, want to thank the majority for working together on this bill. I wish the rest of the legislation that has been considered in this Congress could have been dealt with in such a collaborative process.

With that, Mr. Speaker, I ask my colleagues to support the bill.

I reserve the balance of my time.

GENERAL LEAVE

Mr. MARKEY of Massachusetts. 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 S. 3304.

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

There was no objection.

Mr. MARKEY of Massachusetts. I yield myself such time as I may consume.

This bill has been several years in the making. It's going to have a transformative effect on the lives of the deaf and the blind in our country, and ultimately in the world, because the technologies we develop here will help all of the deaf and blind be able to use information in this wireless world that all information is now migrating to.

□ 2120

I want to thank Roger Sherman, Tim Powderly, Sarah Fisher, Amy Levine on the Democratic side. Neil Fried and Will Carty on the Republican side for their great work. To Colin Crowell on my staff for many years, who helped to conceptualize what it is that we are doing today. And especially to Mark Bayer on my staff, who has worked tirelessly over the last year and a half to bring this bill to fruition. Looking down I think and smiling right now on this legislation are Karen Peltz Strauss, Rosaline Crawford, Jenifer Simpson, Eric Bridges, Mark Richert, Larry Goldberg, Steve Rothstein from the Perkins School, and Mike Festa at the Carroll Center. Incredible advocates, and the conscience of this issue, why we're here. I thank all who worked on this legislation.

I urge an ''aye'' vote.

I yield back the balance of my time.

Mr. BURGESS. 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 Massachusetts (Mr. MARKEY) that the House suspend the rules and pass the bill, S. 3304.

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.

MAKING TECHNICAL CORRECTIONS IN THE TWENTY-FIRST CENTURY COMMUNICATIONS AND VIDEO ACCESSIBILITY ACT OF 2010

Mr. MARKEY of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3828) to make technical corrections in the Twenty-First Century Communications and Video Accessibility Act of 2010 and the amendments made by that Act.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3828

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

SECTION 1. AMENDMENT OF TWENTY-FIRST CENTURY COMMUNICATIONS AND VIDEO ACCESSIBILITY ACT OF 2010.

The Twenty-First Century Communications and Video Accessibility Act of 2010 is amended—

(1) by striking the item relating to section 105 in the table of contents in section 1(b) and inserting the following:

''Sec. 105. Relay services for deaf-blind individuals.'';

(2) by striking ''requirement'' in section 201(e)(1)(B) and inserting ''objectives'';

(3) by striking ''requirement'' in section 201(e)(2)(B) and inserting ''objectives'';

(4) by inserting ''or digital broadcast television'' after ''protocol'' in section 201(e)(2)(C); and

(5) by inserting ''or digital broadcast television'' after ''protocol'' in section 201(e)(2)(E).

SEC. 2. AMENDMENT OF COMMUNICATIONS ACT OF 1934.

The Communications Act of 1934 (47 U.S.C. 151 et seq.), as amended by the Twenty-First Century Communications and Video Accessibility Act of 2010, is amended—

(1) by striking ''do not'' in section 716(d);

(2) by striking ''facilities'' in section 716(e)(1)(D and inserting ''facilitate'';

(3) by striking ''provider in the manner prescribed in paragraph (3),'' in section 717(a)(5)(C) and inserting ''provider,'';

(4) by striking ''Equal Access to 21st Century Communications Act'' in section 719(a) and inserting ''Twenty-First Century Communications and Video Accessibility Act of 2010'';

(5) by inserting ''low-income'' after ''accessible by'' in section 719(a);

(6) by striking ''and'' in section 713(f)(2)(A) and inserting ''such'';

(7) by inserting ''have'' after ''that'' the first place it appears in section 713(f)(2)(B);

(8) by inserting ''and Commerce'' after ''Energy'' in section 713(f)(4)(C)(iii);

(9) by striking ''programming distribution''' in section 713(c)(2)(D)(iii) and inserting ''programming distributors''';

(10) by striking ''progamming'' in section 713(c)(2)(D)(v) and inserting ''programming'';

(11) by striking ''and video description signals and make'' in section 713(c)(2)(D)(vi) and inserting ''and makes'';

(12) by striking ''by'' in section 303(aa)(3) and inserting ''for'';

(13) by striking ''and'' after the semicolon in section 303(bb)(1);

(14) by striking ''features.'' in section 303(bb)(2) and inserting ''features; and''; and

(15) by striking the matter following subdivision (2) of section 303(bb) and inserting the following:

''(3) that, with respect to navigation device features and functions—

''(A) delivered in software, the requirements set forth in this subsection shall apply to the manufacturer of such software; and

''(B) delivered in hardware, the requirements set forth in this subsection shall apply to the manufacturer of such hardware.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. MARKEY of Massachusetts. 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 materials in the RECORD.

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

There was no objection.

Mr. MARKEY of Massachusetts. I rise in support of this legislation to make corrections to the bill that the House just passed. The corrections are technical in nature, and once this bill passes, the House will send to the President landmark legislation to update our country's accessibility laws for the Internet age.

Again, I thank the minority for their cooperation on this historic legislation. It does show what good can be done when this institution works as it should. I thank my colleagues for their support.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I also urge our colleagues to support the technical corrections which are necessary for the previously passed bill. I yield back the balance of my time.

Mr. MARKEY of Massachusetts. Mr. Speaker, I have no further requests for time, so with the request that this body in unison vote ''aye'' on this historic legislation, 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. MARKEY) that the House suspend the rules and pass the bill, S. 3828.

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.

PEDIATRIC RESEARCH CONSORTIA ESTABLISHMENT ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 758) to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 758

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 ''Pediatric Research Consortia Establishment Act''.

SEC. 2. NATIONAL PEDIATRIC RESEARCH CONSORTIA.

Subpart 7 of part C of title IV of the Public Health Service Act (42 U.S.C. 285g et seq.) is amended by adding at the end the following:

''SEC. 452H. NATIONAL PEDIATRIC RESEARCH CONSORTIA.

''(a) IN GENERAL.—The Director of NIH, acting through the Director of the Eunice Kennedy Shriver National Institute of Child Health and Human Development and in collaboration with all other Institutes of the National Institutes of Health that support pediatric research, may, subject to the availability of funds, award grants, contracts, or cooperative agreements to public or nonprofit private entities to pay all or part of the cost of planning, establishing, and providing basic operating support for up to 20 national pediatric research consortia. The Director of NIH shall take unmet research needs into account when making awards under this section.

''(b) RESEARCH.—Research conducted under this section shall supplement, but not replace, research that is otherwise conducted or supported as part of the comprehensive pediatric research portfolio of entities receiving awards under subsection (a). Consortia established under subsection (a) shall, in the aggregate, conduct basic, clinical, behavioral, social, or translational research to meet unmet research needs, as well as training in and demonstration of advanced diagnostic and treatment methods relating to pediatrics, as appropriate.

''(c) COORDINATION OF CONSORTIA REPORTS.—The Director of NIH shall—

''(1) as appropriate, provide for the coordination of information among consortia established under subsection (a) and ensure regular communication between such consortia; and

''(2) require the periodic preparation of reports on the activities of the consortia and the submission of the reports to the Director.

''(d) ORGANIZATION OF CONSORTIUM.—Each consortium established under subsection (a) shall be formed from a collaboration of cooperating institutions with a lead institution, meeting such requirements as may be prescribed by the Director of NIH, including participation in a network of such consortia.

''(e) LIMITATION.—Payments under subsection (a) shall not exceed $2,500,000 per year for each consortium in the first 5-year cycle.

''(f) DURATION OF PAYMENTS.—Payments under subsection (a) for a consortium may be provided under this section for a period of 5 years and may be extended for additional periods of 5 years each, with enhanced funding opportunities based on a review of the operations by an appropriate scientific review.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. 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 in the RECORD.

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

There was no objection.

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

I rise today in strong support of H. Res. 758, the Pediatric Research Consortia Establishment Act. The goal of H.R. 758 is to enhance the Nation's research program into pediatric conditions by creating a strong research infrastructure. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, H.R. 758, the Pediatric Research Consortia Establishment Act, would allow the National Institutes of Health to support up to 20 national pediatric research consortia that would conduct vital pediatric research. Specifically, the Pediatric Research Consortia Establishment Act would allow but not require the National Institutes of Health award grants to public or nonprofit private entities to pay for the cost of planning, establishing, and providing a basic operating support for up to 20 national pediatric research consortia. These consortia would conduct basic clinical, behavioral, social, and translational research. They could also provide training on advanced diagnostic and treatment methods relating to pediatrics. The consortia will foster efficiency and collaboration at all levels of pediatric research, and they will provide patients with greater access to vital research.

I urge my colleagues to support the bill.

Mr. KING of New York. Mr. Speaker, I rise today in support of H.R. 758, the Pediatric Research Consortia Establishment Act.

This legislation is an important step towards understanding and eradicating diseases in children. The consortia will lead to new insights to the major disorders that affect children and will empower researchers to discover innovative strategies for diagnosis and treatment.

Pediatric research and care is currently underfunded despite the fact that children comprise 20 percent of our nation's population. Enrolling and evaluating a sufficiently large group of children is the most effective way of understanding these disorders and to monitor how they manifest in adults. By having Pediatric research institutions collaborate and share information in a methodical way, we can speed up breakthroughs and treatments to fight diseases that affect children.

This investment in research is an important step in speeding up the development of therapies to combat devastating diseases in children. I am proud to support this legislation.

I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I urge support for the bill and 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. PALLONE) that the House suspend the rules and pass the bill, H.R. 758, 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. BURGESS. 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.

VETERINARY PUBLIC HEALTH AMENDMENTS ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2999) to amend the Public Health Service Act to enhance and increase the number of veterinarians trained in veterinary public health, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2999

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 ''Veterinary Public Health Amendments Act of 2010''.

SEC. 2. INCLUSION OF VETERINARY PUBLIC HEALTH IN CERTAIN PUBLIC HEALTH WORKFORCE PROVISIONS.

(a) PUBLIC HEALTH WORKFORCE GRANTS.—Subsections (b)(1)(A) and (d)(6) of section 765 of the Public Health Service Act (42 U.S.C. 295) are amended by inserting ''veterinary public health,'' after ''preventive medicine,'' each place it appears.

(b) PUBLIC HEALTH WORKFORCE LOAN REPAYMENT PROGRAM.—

(1) IN GENERAL.—Subparagraphs (A) and (B) of section 776(b)(1) of the Public Health Service Act (42 U.S.C. 295f-1(b)(1)) are amended by striking ''public health or health professions degree or certificate'' each place it appears and inserting ''public health (including veterinary public health) or health professions degree or certificate''.

(2) TECHNICAL CORRECTION.—Subparagraph (A) of section 776(b)(1) of the Public Health Service Act (42 U.S.C. 295f-1(b)(1)) is amended by adding ''or'' at the end.

(c) DEFINITION.—Section 799B of the Public Health Service Act (42 U.S.C. 295p) is amended by adding at the end the following:

''(27) VETERINARY PUBLIC HEALTH.—The term 'veterinary public health' includes veterinarians engaged in one or more of the following areas to the extent such areas have an impact on human health: biodefense and emergency preparedness, emerging and reemerging infectious diseases, environmental health, ecosystem health, pre- and post-harvest food protection, regulatory medicine, diagnostic laboratory medicine, veterinary pathology, biomedical research, the practice of food animal medicine in rural areas, and government practice.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. 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 in the RECORD.

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

There was no objection.

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

I rise today, Mr. Speaker, in strong support of H.R. 2999, the Veterinary Public Health Amendments of 2010. Veterinary medicine is an important component of our human public health system. From H1N1 to SARS to food safety, public health veterinarians are critical to our protection of human health.

This bill would ensure that veterinary public health professionals are eligible for two important public health workforce programs, but only to the extent that the work of these veterinarians has an impact on human health. I commend Representative BALDWIN for her leadership on this legislation. I urge my colleagues to support the bill.

I reserve the balance of my time.

□ 2130

Mr. BURGESS. Mr. Speaker, H.R. 2999, the Veterinary Public Health Workforce and Education Act, would take important steps to increase the number of public health veterinarians.

Food animal veterinarians play a vital role in public health, and experts have said that there is a major shortage. This shortage will have a negative impact on our public health, including the safety of our Nation's food supply. This legislation will help us solve that problem.

H.R. 2999 would allow those seeking veterinary public health degrees to be eligible for public health workforce loan repayment programs. It would also permit the Secretary of Health and Human Services to award training grants to increase the veterinary public health workforce.

On committee we worked in a bipartisan basis to ensure that it is crystal clear that our Nation's food animal veterinarians will be eligible for programs under this bill. We need more food animal veterinarians, and this will help us get there. I urge my colleagues to support this bill.

I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I also yield back the balance of my time and urge passage of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 2999, 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. BURGESS. 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.

GESTATIONAL DIABETES ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5354) to establish an Advisory Committee on Gestational Diabetes, to provide grants to better understand and reduce gestational diabetes, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5354

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 ''Gestational Diabetes Act of 2010'' or the ''GEDI Act''.

SEC. 2. GESTATIONAL DIABETES.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by adding after section 317H the following:

''SEC. 317H–1. GESTATIONAL DIABETES.

''(a) UNDERSTANDING AND MONITORING GESTATIONAL DIABETES.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, in consultation with the Diabetes Mellitus Interagency Coordinating Committee established under section 429 and representatives of appropriate national health organizations, shall develop a multisite gestational diabetes research project within the diabetes program of the Centers for Disease Control and Prevention to expand and enhance surveillance data and public health research on gestational diabetes.

''(2) AREAS TO BE ADDRESSED.—The research project developed under paragraph (1) shall address—

''(A) procedures to establish accurate and efficient systems for the collection of gestational diabetes data within each State and commonwealth, territory, or possession of the United States;

''(B) the progress of collaborative activities with the National Vital Statistics System, the National Center for Health Statistics, and State health departments with respect to the standard birth certificate, in order to improve surveillance of gestational diabetes;

''(C) postpartum methods of tracking women with gestational diabetes after delivery as well as targeted interventions proven to lower the incidence of type 2 diabetes in that population;

''(D) variations in the distribution of diagnosed and undiagnosed gestational diabetes, and of impaired fasting glucose tolerance and impaired fasting glucose, within and among groups of women; and

''(E) factors and culturally sensitive interventions that influence risks and reduce the incidence of gestational diabetes and related complications during childbirth, including cultural, behavioral, racial, ethnic, geographic, demographic, socioeconomic, and genetic factors.

''(3) REPORT.—Not later than 2 years after the date of the enactment of this section, and annually thereafter, the Secretary shall generate a report on the findings and recommendations of the research project including prevalence of gestational diabetes in the multisite area and disseminate the report to the appropriate Federal and non-Federal agencies.

''(b) EXPANSION OF GESTATIONAL DIABETES RESEARCH.—

''(1) IN GENERAL.—The Secretary shall expand and intensify public health research regarding gestational diabetes. Such research may include—

''(A) developing and testing novel approaches for improving postpartum diabetes testing or screening and for preventing type 2 diabetes in women with a history of gestational diabetes; and

''(B) conducting public health research to further understanding of the epidemiologic, socioenvironmental, behavioral, translation, and biomedical factors and health systems that influence the risk of gestational diabetes and the development of type 2 diabetes in women with a history of gestational diabetes.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each fiscal year 2012 through 2016.

''(c) DEMONSTRATION GRANTS TO LOWER THE RATE OF GESTATIONAL DIABETES.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award grants, on a competitive basis, to eligible entities for demonstration projects that implement evidence-based interventions to reduce the incidence of gestational diabetes, the recurrence of gestational diabetes in subsequent pregnancies, and the development of type 2 diabetes in women with a history of gestational diabetes.

''(2) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to projects focusing on—

''(A) helping women who have 1 or more risk factors for developing gestational diabetes;

''(B) working with women with a history of gestational diabetes during a previous pregnancy;

''(C) providing postpartum care for women with gestational diabetes;

''(D) tracking cases where women with a history of gestational diabetes developed type 2 diabetes;

''(E) educating mothers with a history of gestational diabetes about the increased risk of their child developing diabetes;

''(F) working to prevent gestational diabetes and prevent or delay the development of type 2 diabetes in women with a history of gestational diabetes; and

''(G) achieving outcomes designed to assess the efficacy and cost-effectiveness of interventions that can inform decisions on long-term sustainability, including third-party reimbursement.

''(3) APPLICATION.—An eligible entity desiring to receive a grant under this subsection shall submit to the Secretary—

''(A) an application at such time, in such manner, and containing such information as the Secretary may require; and

''(B) a plan to—

''(i) lower the rate of gestational diabetes during pregnancy; or

''(ii) develop methods of tracking women with a history of gestational diabetes and develop effective interventions to lower the incidence of the recurrence of gestational diabetes in subsequent pregnancies and the development of type 2 diabetes.

''(4) USES OF FUNDS.—An eligible entity receiving a grant under this subsection shall use the grant funds to carry out demonstration projects described in paragraph (1), including—

''(A) expanding community-based health promotion education, activities, and incentives focused on the prevention of gestational diabetes and development of type 2 diabetes in women with a history of gestational diabetes;

''(B) aiding State- and tribal-based diabetes prevention and control programs to collect, analyze, disseminate, and report surveillance data on women with, and at risk for, gestational diabetes, the recurrence of gestational diabetes in subsequent pregnancies, and, for women with a history of gestational diabetes, the development of type 2 diabetes; and

''(C) training and encouraging health care providers—

''(i) to promote risk assessment, high-quality care, and self-management for gestational diabetes and the recurrence of gestational diabetes in subsequent pregnancies; and

''(ii) to prevent the development of type 2 diabetes in women with a history of gestational diabetes, and its complications in the practice settings of the health care providers.

''(5) REPORT.—Not later than 4 years after the date of the enactment of this section, the Secretary shall prepare and submit to the Congress a report concerning the results of the demonstration projects conducted through the grants awarded under this subsection.

''(6) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means a nonprofit organization (such as a nonprofit academic center or community health center) or a State, tribal, or local health agency.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each fiscal year 2012 through 2016.

''(d) POSTPARTUM FOLLOW-UP REGARDING GESTATIONAL DIABETES.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall work with the State- and tribal-based diabetes prevention and control programs assisted by the Centers to encourage postpartum follow-up after gestational diabetes, as medically appropriate, for the purpose of reducing the incidence of gestational diabetes, the recurrence of gestational diabetes in subsequent pregnancies, the development of type 2 diabetes in women with a history of gestational diabetes, and related complications.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. 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 in the RECORD.

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

There was no objection.

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

Mr. Speaker, as many as 135,000 women in the United States each year develop gestational diabetes, and this number is steadily growing. Many

women who have had gestational diabetes later developed type 2 diabetes. Babies born to women with gestational diabetes are also at risk for high birth weight.

The Gestational Diabetes Act, sponsored by Representatives ENGEL and BURGESS, will expand research and grant resources available through the Department of Health and Human Services to fight this dangerous disease. It is an important piece of legislation. I urge my colleagues to support the bill.

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

Mr. BURGESS. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in strong support of H.R. 5354. I worked on this bill with Mr. ENGEL. This bill has gone through regular order and passed the Energy and Commerce Committee unanimously, and I thank all of the staff involved, from the personal staff levels of Mr. ENGEL's office and mine, and the committee staff for their hard work on the bill before us today.

As an obstetrician, I have witnessed the effect of gestational diabetes on both mother and child. Gestational diabetes is a growing problem, and we really don't know why. Unlike type 2 diabetes, gestational diabetes has a very different issue, requiring a unique approach.

Gestational diabetes affects between 2 and 5 percent of pregnant women, about 135,000 cases in the United States each year, and usually occurs late in pregnancy. If left untreated, gestational diabetes can have a significant impact on both mother and child. Women and children affected by gestational diabetes are at higher risk of developing type 2 diabetes, and it is associated with additional health problems for both mother and child during both pregnancy and childbirth.

In addition, once a mother contracts gestational diabetes, her chances are 2 in 3 that it may return in future pregnancies. That is why this act, the Gestational Diabetes Act of 2009, is a vital investment in our future. This bill will allow for the collection of data and the study of risk factors, as well as continued postpartum evaluations, with the goal of developing proven intervention strategies that will lower the rates of gestational diabetes.

For example, maternal obesity is an independent and more important risk factor for large infants and women with gestational diabetes than it is with simple glucose intolerance.

This legislation has the support of many groups, including the American Diabetes Association, the American Association of Diabetes Educators, the American College of Obstetricians and Gynecologists.

There is currently an insufficient system for monitoring cases of gestational diabetes to uncover trends and target at-risk populations.

This legislation will go beyond what we do know and promote public health research to understand the epidemiological, socioenvironmental, behavioral, translation, and biomedical factors that influence the risk of gestational diabetes and type 2 diabetes. Current treatments are primarily focused on diet and exercise, but there is general disagreement about the degree to which each should be recommended and the overall effectiveness of this approach. There needs to be greater understanding by both providers and patients on how to prevent and treat this condition. New therapies and interventions to detect, treat and slow the incidence of gestational diabetes need to be identified. Through targeted research we will be able to identify triggers that result in gestational diabetes in women with no previous risk factors. Given the tremendous impact for this disease, I urge support of the legislation.

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

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time and urge passage of the bill.

Mr. ENGEL. Mr. Speaker, I am proud to stand here today as the sponsor of the Gestational Diabetes Act and urge my colleagues to support this important bipartisan legislation.

I would like to thank my colleague and an original sponsor of the legislation, Dr. BURGESS and his staff member, James Paluskiewicz for their efforts on behalf of this legislation. I would also like to thank the Committee staff who worked tirelessly to bring this bill to the floor today. Specifically, I would like to acknowledge Anne Morris of the Energy and Commerce Committee and Emily Gibbons of the Health subcommittee who is also a former member of my staff.

Mr. Speaker, every single year 135,000 women in the United States are diagnosed with gestational diabetes. And, while gestational diabetes generally goes away after pregnancy, it can have significant health impacts upon both the mother and baby. In particular, women are at much higher risk of developing Type 2 diabetes in the future, and their children are at higher risk of obesity and/or the onset of Type 2 diabetes as adults.

This is why I introduced the GEDI Act. This bill aims to lower the incidence of gestational diabetes and prevent women afflicted with this condition and their children from developing Type 2 diabetes.

We need to have a greater understanding on how to prevent and treat this condition. There is currently an insufficient system for monitoring cases of gestational diabetes to uncover trends and target at risk populations. In addition, new therapies and interventions to detect, treat and slow the disease need to be identified. The GEDI Act will help us accomplish those goals.

This legislation is supported by the American Diabetes Association, the American Association of Colleges of Pharmacy, American Association of Diabetes Educators, the American Congress of Obstetricians and Gynecologists, the American Medical Women's Association, the Association of Women's Health, Obstetric and Neonatal Nurses, the International Community Health Services, and the Society for Women's Health Research.

The statistics surrounding diabetes are staggering, but we must always remember there is a human face behind every number, with far too many of them being pregnant women and their children.

Mr. Speaker, I urge my colleagues to vote in favor of this important legislation.

Mr. BURGESS. Mr. Speaker, seeing no further speakers on my time, I will just say the increased incidence in the United States has raised the prevalence, but the risk of gestational diabetes can also be due to genetics, ethnicity, and maternal age. The rates of gestational diabetes are higher among women of African American, Hispanic, Asian and Native American descent. In addition, there is currently an insufficient system for monitoring cases of gestational diabetes, which this legislation will begin to correct.

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. PALLONE) that the House suspend the rules and pass the bill, H.R. 5354, 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. BURGESS. 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.

METHAMPHETAMINE EDUCATION, TREATMENT, AND HOPE ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2818) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2818

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 ''Methamphetamine Education, Treatment, and Hope Act of 2010''.

SEC. 2. ENHANCING HEALTH CARE PROVIDER AWARENESS OF METHAMPHETAMINE ADDICTION.

Section 507(b) of the Public Health Service Act (42 U.S.C. 290bb(b)) is amended—

(1) by redesignating paragraphs (13) and (14) as paragraphs (14) and (15), respectively; and

(2) by inserting after paragraph (12) the following:

''(13) collaborate with professionals in the addiction field and primary health care providers to raise awareness about how to—

''(A) recognize the signs of a substance abuse disorder; and

''(B) apply evidence-based practices for screening and treating individuals with or at-risk for developing an addiction, including addiction to methamphetamine or other drugs;''.

SEC. 3. RESIDENTIAL TREATMENT PROGRAMS FOR PREGNANT AND PARENTING WOMEN.

Section 508 of the Public Health Service Act (42 U.S.C. 290bb–1) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''postpartum women treatment for substance abuse'' and inserting ''parenting women treatment for substance abuse (including treatment for addiction to methamphetamine)'';

(B) in paragraph (1), by striking ''reside in'' and inserting ''reside in or receive outpatient treatment services from''; and

(C) in paragraph (2), by striking ''the minor children of the women reside with the women in such facilities'' and inserting ''the minor children of the women who reside in such facilities reside with such women'';

(2) in subsection (d), by amending paragraph (2) to read as follows:

''(2) Referrals for necessary hospital and dental services.'';

(3) by amending subsection (m) to read as follows:

''(m) ALLOCATION OF AWARDS.—In making awards under subsection (a), the Director shall give priority to any entity that agrees to use the award for a program serving an area that—

''(1) is a rural area, an area designated under section 332 by the Administrator of the Health Resources and Services Administration as a health professional shortage area with a shortage of mental health professionals, or an area determined by the Director to have a shortage of family-based substance abuse treatment options; and

''(2) is determined by the Director to have high rates of addiction to methamphetamine or other drugs.'';

(4) in subsection (p)—

(A) by striking ''October 1, 1994'' and inserting ''one year after the date of the enactment of the Methamphetamine Education, Treatment, and Hope Act of 2010'' ;

(B) by inserting ''In submitting reports under this subsection, the Director may use data collected under this section or other provisions of law, insofar as such data is used in a manner consistent with all Federal privacy laws applicable to the use of data collected under this section or other provision, respectively.'' after ''biennial report under section 501(k).''; and

(C) by striking ''Each report under this subsection shall include'' and all that follows and inserting ''Each report under this subsection shall, with respect to the period for which the report is prepared, include the following:

''(1) A summary of any evaluations conducted under subsection (o).

''(2) Data on the number of pregnant and parenting women in need of, but not receiving, treatment for substance abuse. Such data shall include, but not be limited to, the number of pregnant and parenting women in need of, but not receiving, treatment for methamphetamine abuse, disaggregated by State and tribe.

''(3) Data on recovery and relapse rates of women receiving treatment for substance abuse under programs carried out pursuant to this section, including data disaggregated with respect to treatment for methamphetamine abuse.'';

(5) by redesignating subsections (q) and (r) as subsections (r) and (s), respectively;

(6) by inserting after subsection (p) the following:

''(q) METHAMPHETAMINE ADDICTION.—In carrying out this section, the Director shall expand, intensify, and coordinate efforts to provide pregnant and parenting women treatment for addiction to methamphetamine or other drugs.''; and

(7) in subsection (s) (as so redesignated), by striking ''such sums as may be necessary to fiscal years 2001 through 2003'' and inserting ''$16,000,000 for fiscal year 2012, $16,500,000 for fiscal year 2013, $17,000,000 for fiscal year 2014, $17,500,000 for fiscal year 2015, and $18,000,000 for fiscal year 2016''.

SEC. 4. WORKPLACE INFORMATION CLEARINGHOUSE.

Section 515(b) of the Public Health Service Act (42 U.S.C. 290bb–21(b)) is amended—

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

(2) by redesignating paragraph (11) as paragraph (13); and

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

''(11) maintain a clearinghouse that provides information and educational materials to employers and employees about comprehensive drug-free workplace programs and substance abuse prevention and treatment resources;''.

SEC. 5. YOUTH INVOLVEMENT IN PREVENTION STRATEGIES.

Section 515(b) of the Public Health Service Act (42 U.S.C. 290bb–21(b)), as amended by section 4, is further amended by inserting after paragraph (11) the following new paragraph:

''(12) support the involvement of youth in the development and implementation of prevention strategies focused on youth, with regard to methamphetamine and other drugs; and''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. 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 in the RECORD.

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

There was no objection.

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

I rise today in strong support of H.R. 2818, the Methamphetamine Education, Treatment and Hope Act, or METH Act, introduced by Representative MCNERNEY. This bill reauthorizes and updates HHS programs for family-based substance abuse treatment, workplace education, and youth.

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

Mr. BURGESS. Mr. Speaker, H.R. 2818, the Methamphetamine Education, Treatment and Hope Act, would reauthorize the residential treatment program for pregnant and low-income women. Currently, the program is only available for those receiving inpatient drug addiction treatment. This legislation would expand the scope to women who are receiving outpatient treatment.

According to the Substance Abuse and Mental Health Services Administration, methamphetamine is a stimulant that is highly addictive. The drug can have a severe impact on an individual's physical and mental well-being.

Under the legislation, priority for the grants would be given to programs in rural areas and mental health professional shortage areas that have high rates of addiction to methamphetamine or other drugs.

I urge my colleagues to support this legislation.

I yield back the balance of my time.

□ 2140

Mr. PALLONE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MCNERNEY), who is the bill's sponsor, and I do want to thank him for all this work on what is really an important issue. The meth crisis is really severe in this country, and this bill seeks to address that in a significant way.

Mr. MCNERNEY. Mr. Speaker, I rise today in support of H.R. 2818, the Methamphetamine Education, Treatment, and Hope Act, a bill I was proud to introduce.

Unfortunately, methamphetamine use is a serious problem throughout the country, including California and my district. For instance, one recent survey indicates that meth use by children 12 years and older increased by 60 percent between 2008 and 2009. That is 154,000 new users of methamphetamine in 2009, compared to only 95,000 new users in 2008.

Children don't start using meth or other drugs without learning it from someone else, and, sadly, they are often introduced to it by adult family members.

By improving Federal treatment programs so they serve all parenting women, H.R. 2818 enables mothers to receive the help they need. This bill will benefit mothers and children alike. Addressing addictions will also help reduce drug-related crimes and benefit children and families.

H.R. 2818 also includes provisions that will ensure that the rural areas with a shortage of mental health professionals or family-based substance abuse treatment centers are provided the resources they need. By focusing grants in areas with higher concentrations of drug use, we can effectively utilize appropriated funds.

I have worked with Members on both sides of the aisle to introduce this bill and update the current law. Congresswoman BONO MACK joined me as an original cosponsor, and this bill traveled through the legislative process. Constructive suggestions by the minority members of the Committee on Energy and Commerce were incorporated to improve the legislation.

Improving meth treatment programs will help reduce crime and benefit children, and I urge my colleagues to support this bipartisan effort.

Mr. PALLONE. 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. PALLONE) that the House suspend the rules and pass the bill, H.R. 2818, 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. BURGESS. 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 without amendment bills of the House of the following titles:

H.R. 1177. An act to require the Secretary of the Treasury to mint coins in recognition of five United States Army 5-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

H.R. 3689. An act to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center, and for other purposes.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3219. An act to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes.

H.R. 3940. An act to amend Public Law 96–597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States.

H.R. 5566. An act to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 3243. An act to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.

S. 3789. An act to limit access to Social Security account numbers.

SUPPORTING NATIONAL PROSTATE CANCER AWARENESS MONTH

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1485) expressing support for designation of September 2010 as ''National Prostate Cancer Awareness Month''.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1485

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 men in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among men in the United States;

Whereas in 2010, 217,730 men in the United States will be diagnosed with prostate cancer and 32,050 men in the United States will die of prostate cancer;

Whereas 30 percent of new diagnoses of prostate cancer occur in men under the age of 65;

Whereas a man in the United States turns 50 years old approximately every 14 seconds, increasing his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer a prostate cancer incidence rate up to 65 percent higher than White males and double the prostate cancer mortality rates of White males;

Whereas obesity is a significant predictor of the severity of prostate cancer and the probability that the disease will lead to death, and high cholesterol levels are strongly associated with advanced prostate cancer;

Whereas if a man in the United States has 1 family member diagnosed with prostate cancer, he has a 1 in 3 chance of being diagnosed with prostate cancer, if he has 2 family members with such diagnoses, he has an 83 percent risk, and if he has 3 family members with such diagnoses, he then has a 97 percent risk of prostate cancer;

Whereas screening by both a digital rectal examination and a prostate-specific antigen blood test can detect the disease in its early stages, increasing the chances of surviving more than 5 years to nearly 100 percent, while only 33 percent of men survive more than 5 years if diagnosed during the late stages of the disease;

Whereas there are no noticeable symptoms of prostate cancer while it is still in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatments;

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of men and preserving and protecting families; and

Whereas September 2010 would be an appropriate month to designate as ''National Prostate Cancer Awareness Month'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of ''National Prostate Cancer Awareness Month'';

(2) declares that steps should be taken—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to support research so that the screening and treatment of prostate cancer may be improved, and so that the causes of, and a cure for, prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. 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 in the RECORD.

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

There was no objection.

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

Mr. Speaker, H. Res. 1485 expresses support for the designation of September 2010 as National Prostate Cancer Awareness Month.

I would like to thank Representative NEUGEBAUER for his leadership on this issue, and I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Speaker, I rise today as the author of H. Res. 1485, to express support for the designation of September as Prostate Cancer Awareness Month by the House of Representatives.

I didn't know much about prostate cancer, other than occasionally one of my friends would turn up with that diagnosis; and about every year when I went to my health care provider, I went through the normal process of having a digital exam and also taking my PSA, and was pretty religious about doing that, always with the good news of a negative result.

Well, that all changed in August of last year when I went for my test and it was decided that additional testing needed to be done. So tests were done, and it was determined that I did in fact have prostate cancer. Once you get cancer, then you get a lot more interested in that subject, and I wanted to share with the folks this evening a little bit about this prostate cancer.

Just in 2010 alone, 217,730 men will be diagnosed with prostate cancer, and 32,000 men in the United States will die from prostate cancer. Thirty percent of the new diagnoses of prostate cancer will occur in men under the age of 65. Prostate cancer takes one life every 18 minutes. In the next 24 hours, prostate cancer will claim the lives of 83 American men.

If a close relative has prostate cancer, a man's risk of the disease more than doubles. With two relatives, his risk increases five times. With three close relatives, the risk is about 97 percent.

African American males suffer prostate cancer at a rate of 65 percent higher than white males and double the prostate cancer mortality rates of their white counterparts.

Obesity is a significant predictor of the severity of prostate cancer and the probability that the disease will lead to death. In fact, high cholesterol levels are strongly associated with advanced prostate cancer.

If a man in the United States has one family member diagnosed with prostate cancer, he has a 1 in 3 chance of being diagnosed with prostate cancer.

What we have learned is that this is a deadly disease, and it affects men. The good news is that once I learned some of those facts, obviously that got my attention. But the good news is that almost 100 percent of the men diagnosed with prostate cancer will stay alive for at least 5 years; about 90 percent of the prostate cancer cases are found while the cancer is still either local or regional, and nearly 100 percent of these men will be alive 5 years after being diagnosed.

So what is the importance of National Prostate Cancer Awareness Month? Well, it is important to recognize that this is a real hazard for men. But, most importantly, and the good news is, if caught early and treated early, the survival chances are extremely good.

So that is the reason that I decided to bring this resolution before this House and to help bring awareness to the American people, and particularly men, is that it is important to make sure you get screened and to make that a part of your annual physical. And, if you are unfortunate enough to be diagnosed with prostate cancer, that the earlier you detect it, the better your chances of survival and eventual cure are.

So I am about to celebrate the day after tomorrow, on September 30, of being 1 year cancer free. The reason I am able to do that and the reason I am able to stand before this body tonight is because we have got important research going on on how to treat this cancer. There is important research going on on hopefully some day being able to prevent prostate cancer. But until then, it is important that men get screened and get their tests done so that they too can stand and say, You know what? I survived prostate cancer.

Mr. Speaker, I urge the passage of this bill and urge all men get tested.

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

Mr. BURGESS. Mr. Speaker, I also want to thank our colleague from Texas for sharing his story with us.

Just to reiterate. Physical exams and blood tests are a primary means of diagnosing the disease, and all men should discuss this matter with their physicians to determine the best course for them, particularly men who are most at risk.

Again, I want to thank Representative NEUGEBAUER from Texas for his work on the resolution, which calls for an increase in awareness of the screening methods and treatments of prostate cancer and continued research into the causes and potential cures.

Mr. Speaker, as a cosponsor of this resolution, I urge Members to support H. Res. 1485.

Mr. BURTON of Indiana. Mr. Speaker, I rise in strong support of H. Res. 1485, a resolution expressing the support of the House of Representatives for the designation of September 2010, as "National Prostate Cancer Awareness Month." I would like to thank the Chairman and Ranking Member of the Energy and Commerce Committee for bringing this important resolution to the Floor. I would also like to thank Representative RANDY NEUGEBAUER for his tireless efforts to raise awareness of this terrible disease.

The prostate is a topic that makes all men uncomfortable, present company included. And because of this fact, the disease has become a silent epidemic. According to the latest statistics, 1 in 6 men will be diagnosed with prostate cancer in their lifetime (218,000 men will be diagnosed with prostate cancer this year alone); this rivals the rate of breast cancer in women which is approximately 1 in 8.

That is why we must promote and support Prostate Cancer Awareness Month, to bring this issue into the light, and get men to begin having conversations about their prostate health. It is important for men to take advantage of prostate cancer screening exams in order to detect the disease at the earliest opportunity, when it is still curable.

However, getting more men to pay attention to this issue is only half the battle because a recent study funded by the National Cancer Institute demonstrated that the most common available methods of detecting prostate cancer, the PSA blood test and Digital Rectal Exam, DRE, the only preinvasive indicators available for the detection of prostate cancer, are not particularly adept at detecting prostate cancer. The study showed that many PSA blood tests that screen for prostate cancer result in false-negative reassurances and numerous false-positive alarms (15 percent of men with normal PSA levels still have prostate cancer). Even when PSA levels are abnormal, 88 percent of men end up not having prostate cancer that would require surgery but undergo unnecessary biopsies. As a result more than 1,000,000 U.S. men have prostate biopsies annually—costing our health care system approximately $1.44 billion—many of which could be eliminated if we had advanced diagnostic imaging tools.

When one look at the battle against breast cancer, a disease that again affects about 1 in 8 women, we see that it was a combination of increased awareness along with the development of more sophisticated diagnostic and imaging tools that help improve early detection and survival rates. The same strategy can work for prostate cancer.

For example, preliminary data from a European study demonstrated that when prostate cancer biopsies were guided by high-precision, experimental MRI, they accurately detected 59% of clinically significant prostate cancer missed by at least two consecutive blind biopsies. Unfortunately, today, neither the U.S. Department of Health and Human Services nor the Department of Defense devotes substantial resources to prostate cancer imaging research. I have been told that the National Institutes of Health spent only $10 million on prostate cancer detection research last year out of a total prostate cancer research budget of $350 million. In short, there is no concerted Federal effort to bring the equivalent of mammography to prostate cancer detection. Representative CUMMINGS and I have introduced legislation, the PRIME Act (H.R. 1485) to correct this problem. The PRIME Act would, among other things, require the National Institutes of Health (NIH), to: (1) carry out a program to expand and intensify research to develop advanced imaging technologies for prostate cancer detection, diagnosis, and treatment comparable to mammogram technology. I encourage my colleagues to co-sponsor this critically importance legislation.

There is still much work to be done if we want to gain the upper hand against a disease that has negatively impacted so many men and their families. Prostate Cancer Awareness Month is a time for us to discuss and confront this epidemic, regardless of how uncomfortable it makes us feel. Despite the fact that men don't like to address these sorts of issues openly, we must acknowledge that the numbers speak for themselves. 32,000 men will

die in 2010, 1.5 million men will have invasive and inaccurate biopsies performed, and 70,000 men will have treatment failures while trying to seek help for their condition. These statistics stand as stark reminders of the importance of this month and the dialogue that it will hopefully encourage.

It is my hope that through increased awareness and discussion about prostate cancer, we can begin to chip away at this silent killer. We owe it to ourselves, our fathers, grandfathers, brothers, sons, husbands, and friends to make this effort. I urge my colleagues to support H. Res. 1458.

Mr. BURGESS. 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. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 1485.

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.

□ 2150

CONCUSSION TREATMENT AND CARE TOOLS ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1347) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1347

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 ''Concussion Treatment and Care Tools Act of 2010'' or the ''ConTACT Act of 2010''.

SEC. 2. CONCUSSION MANAGEMENT GUIDELINES WITH RESPECT TO SCHOOL-AGED CHILDREN.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317T the following:

''SEC. 317U. CONCUSSION MANAGEMENT GUIDELINES WITH RESPECT TO SCHOOL-AGED CHILDREN.

''(a) CONCUSSION MANAGEMENT GUIDELINES.—''(1) ESTABLISHMENT.—Not later than 2 years after the date of the enactment of this section, the Secretary shall establish concussion management guidelines that address the prevention, identification, treatment, and management of concussions (as defined by the Secretary) in school-aged children, including standards for such children to return to play after experiencing such a concussion, and shall make available such guidelines and standards to the general public, including health professionals.

''(2) CONFERENCE.—The Secretary shall convene a conference of medical, athletic, and educational stakeholders for purposes of assisting in the establishment of the guidelines.

''(b) GRANTS TO STATES.—''(1) IN GENERAL.—After establishing the guidelines under subsection (a), the Secretary may make grants to States for purposes of—

''(A) providing for the collection by target entities of information on the incidence and prevalence of concussions among school-aged children attending or participating in such entities;

''(B) adopting, disseminating, and ensuring the implementation by target entities of the guidelines;

''(C) funding implementation by target entities of pre-season baseline and post-injury testing, including computerized testing, for school-aged children; and

''(D) any other activity or purpose specified by the Secretary.

''(2) GRANT APPLICATIONS.—''(A) IN GENERAL.—To be eligible to receive a grant under this subsection, the Secretary shall require a State to submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require.

''(B) MINIMUM CONTENTS.—The Secretary shall require that an application of a State under subparagraph (A) contain at a minimum—

''(i) a description of the strategies the State will use to disseminate, and ensure the implementation by target entities of, the guidelines, including coordination with ongoing State-based efforts to implement State laws governing youth concussion management; and

''(ii) an agreement by the State to periodically provide data to the Secretary with respect to the incidence of concussions and second impact syndrome among school-aged children in the State.

''(3) UTILIZATION OF HIGH SCHOOL SPORTS ASSOCIATIONS, YOUTH SPORTS ASSOCIATIONS, ATHLETIC TRAINER ASSOCIATIONS, AND LOCAL CHAPTERS OF NATIONAL BRAIN INJURY ORGANIZATIONS.—In disseminating and ensuring the implementation by target entities of the guidelines pursuant to a grant under this subsection, the Secretary shall require States receiving grants under this subsection to utilize, to the extent practicable, applicable expertise and services offered by high school sports associations, youth sports associations, athletic trainer associations, and local chapters of national brain injury organizations in such States.

''(c) COORDINATION OF ACTIVITIES.—In carrying out activities under this section, the Secretary shall coordinate in an appropriate manner with the heads of other Federal departments and agencies that carry out activities related to concussions and other traumatic brain injuries.

''(d) REPORTS.—''(1) ESTABLISHMENT OF THE GUIDELINES.—Not later than 2 years after the date of the enactment of this section, the Secretary shall submit to the Congress a report on the implementation of subsection (a).

''(2) GRANT PROGRAM AND DATA COLLECTION.—Not later than 4 years after the date of the enactment of this section, the Secretary shall submit to the Congress a report on the implementation of subsection (b), including—

''(A) the number of States that have adopted the guidelines;

''(B) the number of target entities that have implemented pre-season baseline and post-injury testing, including computerized testing, for school-aged children; and

''(C) the data collected with respect to the incidence of concussions and second impact syndrome among school-aged children.

''(e) DEFINITIONS.—In this section:

''(1) The term 'guidelines' means the concussion management guidelines established under subsection (a).

''(2) The term 'return to play' means, with respect to a school-aged child experiencing a concussion, the return of such child to participating in the sport or other activity related to such concussion.

''(3) The term 'school-aged children' means individuals who are at least 5 years of age and not more than 18 years of age.

''(4) The term 'second impact syndrome' means catastrophic or fatal events that occur when an individual suffers a concussion while symptomatic and healing from a previous concussion.

''(5) The term 'Secretary' means the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention.

''(6) The term 'State' means each of the 50 States and the District of Columbia.

''(7) The term 'target entity' means an elementary school, a secondary school, or a youth sports association.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material in the RECORD.

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

There was no objection.

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

Mr. Speaker, H.R. 1347, or the ConTACT Act, will help to reduce the number of concussion-related injuries nationally by improving a school's ability to guide return-to-play decisions and by raising awareness for parents, students, health professionals, and others of the consequences of multiple concussions.

I want to thank Mr. SHIMKUS and Mr. BARTON for their willingness to work on this bill with me and, of course, thank the sponsor of the bill, my colleague from New Jersey (Mr. PASCRELL) who has worked so hard on this legislation.

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

Mr. BURGESS. Mr. Speaker, H.R. 1347, the Concussion Treatment and Care Tools Act seeks to reduce the number of concussions sustained by our young people.

According to the Centers for Disease Control and Prevention, a concussion is a type of traumatic brain injury. The Centers for Disease Control estimates that 1.7 million people sustain a traumatic brain injury each year. Some of these are sustained by children while they are playing sports. This bill will help reduce that number.

The bill would require the Centers for Disease Control to develop model guidelines that address the prevention, identification, treatment, and management of concussions in school-age children, including standards for student

athletes to return to play after a concussion.

The bill also would direct the secretary to convene a conference of experts to develop the model guidelines. The secretary would be allowed, but not required, to award grants to States to help implement these guidelines. I must also note that the bill would ensure that the Centers for Disease Control uses its existing budget to award these grants if they deem them necessary. It does not create a separate funding source for these grants.

I urge my colleagues to support the bill.

I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield such time as he may consume to the sponsor of the bill, my colleague from New Jersey (Mr. PASCRELL). I just want to say he has worked tirelessly as an advocate for this bill, doing investigations and having a hearing that we held in the State of New Jersey. As you know, he was very aggressive in a very positive way to make sure this bill came to the floor.

Mr. PASCRELL. Mr. Speaker, as you know, Speaker PELOSI gaveled in the 110th Congress on behalf of America's children. Today I am proud to say the House will consider this bipartisan bill to protect our children in youth sports.

As cochair of the Congressional Brain Injury Task Force with Congressman PLATTS from Pennsylvania, I have worked for the last 9 years on the issue of brain injury for our troops, as well as those who are playing sports, all sports, men and women.

Back then, we had no idea how prevalent brain jury would become for our youth. A study published this month in Pediatrics found that between 1997 and 2007, the number of children seeking emergency medical care for concussions doubled.

To address this growing problem for schools, Congressman TODD PLATTS and I introduced the ConTACT Act, H.R. 1347, to create Federal guidelines on concussion management and a grant program for States to implement these policies.

This bill is dedicated to kids like Ryne Dougherty, a constituent of mine who died after returning to a football game without recovering from a previous concussion, and Niki Popyer, who suffered over 11 concussions from basketball. While we did not have the proper guidelines in place to protect them on the field of play, this bill would create Federal guidelines, not by the Congress but by professionals, to protect other student athletes so they can excel not only in sports but in school.

I want to thank Speaker PELOSI, and I want to thank Majority Leader HOYER for recognizing the importance of bringing this bill to the floor, and Chairman WAXMAN and Chairman PALLONE for helping this particular bill through the committee process.

I want to thank the organizations that supported the bill, that recognized its value for our citizens: The Brain Injury Association, Easter Seals, the NFL, the NFL Players Association, the Parkinson's Action Network, the National Athletic Trainers Association, the National Association of Head Injury Administrators, the New Jersey Council of General Hospitals, and the American College of Rehabilitation Medicine.

This is a big deal for the kids that are our children, our grandchildren, throughout the United States. Thank you, Mr. Speaker, thank you, Mr. Chairman, and thank you, Mr. Minority Leader.

Mr. CONYERS. Mr. Speaker, I rise in support of H.R. 1347, the ''Concussion Treatment and Care Tools Act of 2009'' or the ''ConTACT Act of 2009.'' This legislation directs the Department of Health and Human Services, acting through the Centers for Disease Control and Prevention, to establish concussion management guidelines for preventing, identifying, treating, and managing concussions in children between the ages of 5 and 18.

As Chairman of the Judiciary Committee, I convened four hearings and forums beginning on October 28, 2009 to examine and highlight the growing evidence linking concussions sustained while playing football to long-term brain damage.

Brain injuries are the leading cause of death and disability for children in our Nation. According to research by The New York Times, at least 50 high school or younger football players in more than 20 States since 1997 have been killed or have sustained serious concussions on the football field.

With 1.2 million high school athletes and approximately 3 million American youngsters between the ages of 6 and 14 playing tackle football, many kids continue to be at risk.

The Centers for Disease Control and Prevention found that more than 300,000 athletes lose consciousness from concussions every year in the United States, and that the total number of concussions could be as high as 3.8 million.

Since most brains aren't fully developed until age 25, a concussion is even more dangerous for a youth than for an adult.

Furthermore, a repeat concussion—one that occurs before the brain recovers from a previous concussion—can be even more devastating.

Research indicates that younger, less-developed brains are at even greater risk of second-impact syndrome. This syndrome may include brain swelling, permanent brain damage, and death.

Given that young athletes are more susceptible to second-impact syndrome, it is troubling that there is a shortage of trainers available to attend to young players on the football field.

According to the National Athletic Trainers' Association, 58 percent of high schools nationwide do not have a certified athletic trainer available for players.

And as former National Football League player Merril Hoge testified at our first hearing on football head injuries last year, trainers are virtually non-existent at the youth level, where he coaches his children.

Even if high school or youth teams do have a sideline trainer available, these individuals often have little experience in the subtleties of concussion management.

This fact may explain the alarming results of a recent study by the Center for Injury Research and Policy at Nationwide Children's Hospital in Columbus, Ohio. The study found that as many as 41 percent of high school athletes who suffer concussions on the field may be returning to play too soon.

In part because of the Judiciary Committee's scrutiny, the National Football League has made significant changes with respect to concussion prevention, identification, treatment, and education. However, it is not clear whether these changes are filtering down to younger levels of football or to other contact sports.

That is why I applaud Representative BILL PASCRELL's effort to bring some nationwide uniformity for the management of concussions in school-aged children. I urge my colleagues to support H.R. 1347.

Mr. PLATTS. Mr. Speaker, I rise today in support of House of Representatives Bill 1347 (H.R. 1347), the Concussion Treatment and Care Tools Act. I am honored to have joined with my fellow cochair of the Congressional Traumatic Brain Injury Taskforce, Representative BILL PASCRELL, in introducing this important legislation that aims to make significant progress in protecting student athletes from brain injuries.

It is estimated that as many as 41 percent of high school athletes who suffer from concussions return to play too soon. The consequences of this practice are extremely dangerous, as suffering a second concussion before an existing head injury has time to heal can lead to brain swelling, permanent brain damage and even death. However, when students, coaches and athletic trainers are provided the proper training in prevention, detection, and management, these instances can largely be prevented. As such, the bill we are considering today provides States with the tools needed to adopt and disseminate concussion management guidelines for school-sponsored sports. In addition, the bill would fund schools' implementation of computerized pre-season baseline and post-injury neuropsychological testing for student athletes to determine the severity of each injury. I urge my colleagues to join me in supporting H.R. 1347 and making significant gains in protecting high school student-athletes.

Mr. PALLONE. Mr. Speaker, I have no additional speakers. I would yield back the balance of my time and urge passage of this important legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1347, 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. BURGESS. 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.

DIABETES SCREENING ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6012) to direct the Secretary of Health and Human Services to review uptake and utilization of diabetes screening benefits and establish an outreach program with respect to such benefits, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6012

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

SECTION 1. DIABETES SCREENING EVALUATION AND OUTREACH PROGRAM RECOMMENDATIONS.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by inserting after section 399V–3 the following new section:

''SEC. 399V–3A. DIABETES SCREENING EVALUATION AND OUTREACH PROGRAM RECOMMENDATIONS.

''(a) ESTABLISHMENT.—With respect to diabetes screening tests and for the purposes of reducing the number of undiagnosed seniors with diabetes or prediabetes, the Secretary shall—

''(1) review utilization of diabetes screening benefits under programs of the Department of Health and Human Services to identify and address any existing problems with regard to such utilization and related data collection mechanisms; and

''(2) make recommendations (informed by the review under paragraph (1)) on outreach activities being carried out by the Secretary as of the date of the enactment of this section to ensure awareness among seniors and health care providers of—

''(A) such diabetes screening benefits; and

''(B) the advantages of knowing one's diabetic or prediabetic status for the purpose of diabetes self management.

''(b) CONSULTATION.—The Secretary shall carry out this section in consultation with—

''(1) the heads of appropriate health agencies and offices in the Department of Health and Human Services; and

''(2) entities with an interest in diabetes, including industry, voluntary health organizations (such as diabetes advocacy groups and other related stakeholders), trade associations, and professional societies.

''(c) REPORT.—For each of the fiscal years 2011, 2012, and 2013, the Secretary shall submit to Congress an annual report on the activities carried out under this section during such respective year.

''(d) DEFINITION.—For purposes of this section, the term 'senior' means an individual who is at least 65 years of age.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. 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 in the RECORD.

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

There was no objection.

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

Mr. Speaker, H.R. 6012, sponsored by Representative Zack Space of Ohio, is designed to reduce the number of undiagnosed seniors with diabetes by evaluating more seniors sooner through the HHS diabetes screening benefit. I urge my colleagues to support this commonsense legislation.

I reserve the balance of my time.

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

H.R. 6012, the diabetes screening bill, would require Health and Human Services to review the utilization of diabetes screening tests available to seniors under Medicare and make recommendations to increase utilization.

We obviously don't know the cause of diabetes, but both genetics and environmental factors such as obesity and lack of activity appear to play roles. Diabetes affects an estimated 24 million Americans.

Approximately 57 million Americans have a pre-diabetic condition. Identifying those with diabetes early can reduce the likelihood of people developing costly and debilitating conditions associated with the disease. We do need to know if people are using this provided service, and if not why not, and examine how do we ensure to connect people with the service.

I urge my colleagues to support this resolution.

I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I also yield back the balance of my time and urge passage of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 6012, 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 direct the Secretary of Health and Human Services to review utilization of diabetes screening benefits and make recommendations on outreach programs with respect to such benefits, and for other purposes.''.

A motion to reconsider was laid on the table.

□ 2200

NATIONAL NEUROLOGICAL DISEASES SURVEILLANCE SYSTEM ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1362) to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1362

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 ''National Neurological Diseases Surveillance System Act of 2010''.

SEC. 2. NATIONAL NEUROLOGICAL DISEASES SURVEILLANCE SYSTEM.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399V–5 SURVEILLANCE OF NEUROLOGICAL DISEASES.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

''(1) enhance and expand infrastructure and activities to track the epidemiology of neurological diseases, including multiple sclerosis and Parkinson's disease; and

''(2) incorporate information obtained through such activities into a statistically-sound, scientifically-credible, integrated surveillance system, to be known as the National Neurological Diseases Surveillance System.

''(b) RESEARCH.—The Secretary shall ensure that the National Neurological Diseases Surveillance System is designed in a manner that facilitates further research on neurological diseases.

''(c) CONTENT.—In carrying out subsection (a), the Secretary—

''(1) shall provide for the collection and storage of information on the incidence and prevalence of neurological diseases in the United States;

''(2) to the extent practicable, shall provide for the collection and storage of other available information on neurological diseases, such as information concerning—

''(A) demographics and other information associated or possibly associated with neurological diseases, such as age, race, ethnicity, sex, geographic location, and family history;

''(B) risk factors associated or possibly associated with neurological diseases, including genetic and environmental risk factors; and

''(C) diagnosis and progression markers;

''(3) may provide for the collection and storage of information relevant to analysis on neurological diseases, such as information concerning—

''(A) the epidemiology of the diseases;

''(B) the natural history of the diseases;

''(C) the prevention of the diseases;

''(D) the detection, management, and treatment approaches for the diseases; and

''(E) the development of outcomes measures; and

''(4) may address issues identified during the consultation process under subsection (d).

''(d) CONSULTATION.—In carrying out this section, the Secretary shall consult with individuals with appropriate expertise, including—

''(1) epidemiologists with experience in disease surveillance or registries;

''(2) representatives of national voluntary health associations that—

''(A) focus on neurological diseases, including multiple sclerosis and Parkinson's disease; and

''(B) have demonstrated experience in research, care, or patient services;

''(3) health information technology experts or other information management specialists;

''(4) clinicians with expertise in neurological diseases; and

''(5) research scientists with experience conducting translational research or utilizing surveillance systems for scientific research purposes.

''(e) GRANTS.—The Secretary may award grants to, or enter into contracts or cooperative agreements with, public or private nonprofit entities to carry out activities under this section.

''(f) COORDINATION WITH OTHER FEDERAL AGENCIES.—Subject to subsection (h), the Secretary shall make information and analysis in the National Neurological Diseases Surveillance System available, as appropriate, to Federal departments and agencies, such as the National Institutes of Health, the Food and Drug Administration, the Centers for Medicare & Medicaid Services, the Agency for Healthcare Research and Quality, the Department of Veterans Affairs, and the Department of Defense.

''(g) PUBLIC ACCESS.—Subject to subsection (h), the Secretary shall make information and analysis in the National Neurological Diseases Surveillance System available, as appropriate, to the public, including researchers.

''(h) PRIVACY.—The Secretary shall ensure that privacy and security protections applicable to the National Neurological Diseases Surveillance System are at least as stringent as the privacy and security protections under HIPAA privacy and security law (as defined in section 3009(a)(2)).

''(i) REPORT.—Not later than 4 years after the date of the enactment of this section, the Secretary shall submit a report to the Congress concerning the implementation of this section. Such report shall include information on—

''(1) the development and maintenance of the National Neurological Diseases Surveillance System;

''(2) the type of information collected and stored in the System;

''(3) the use and availability of such information, including guidelines for such use; and

''(4) the use and coordination of databases that collect or maintain information on neurological diseases.

''(j) DEFINITION.—In this section, the term 'national voluntary health association' means a national nonprofit organization with chapters, other affiliated organizations, or networks in States throughout the United States.

''(k) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated $5,000,000 for each of fiscal years 2012 through 2016.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. 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 into the RECORD.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of H.R. 1362, the National Neurological Diseases Surveillance System Act of 2010.

H.R. 1362 seeks to improve our understanding of multiple sclerosis, Parkinson's disease and other neurological diseases by directing the Centers for Disease Control and Prevention to carry out systematic data collection analysis and interpretation.

I ask my colleagues to support H.R. 1362, and I reserve the balance of my time.

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

Mr. Speaker, I rise tonight in strong support of H.R. 1362, which I authored with Mr. VAN HOLLEN.

There are over 400,000 Americans living with MS and millions of more Americans who live with some form of neurological disorder.

As co-chairman of the Congressional MS Caucus, I have been working to further research into the development of MS and other neurological disorders to help the population of Americans living with MS. I firmly believe that a national surveillance system will be a critical first step toward allowing our researchers access to information that could be the key to finding cures.

The other night, I was told that we are running for second base in our efforts to cure neurological diseases and that we have never tagged first. This bill, H.R. 1362, the National Neurological Diseases Surveillance System Act of 2010, is our first base.

Currently, there is no formal coordinated system to track and collect data on these diseases, and the lack of comprehensive data collection impedes progression to finding a cure. In fact, the last national study of the prevalence of MS was conducted 34 years ago. This integrated research will help drive innovation and will provide a solid understanding of how factors such as gender and age influence disease prevalence.

As diagnoses are made, we will have the ability to create progression markers, allowing for the compilation of the data and the construction of treatments for future patients with similar backgrounds. Through these efforts, we will be able to disseminate information and to encourage high-risk populations to connect to the available resources.

This legislation will emphasize the study of the epidemiology of neurological diseases. It is vital that we examine previous trends of the disease as they relate to geography, environmental factors, and heredity in order to forecast future trends. In order to advance, we must create a foundation of research for the millions of Americans suffering from MS, Parkinson's, Alzheimer's, and other conditions.

The National Neurological Diseases Surveillance System Act of 2010 has wide support, including by the National MS Society and the Parkinson's Action Network, among many others.

The bill before us reflects countless hours of negotiation. I want to thank Anne Morris and Ryan Long, who are with the committee, as well as Ray Thorn, who is with Mr. VAN HOLLEN's office, for their work. This bill went through regular order. It passed the Energy and Commerce Committee unanimously, and it has come to the floor a better product because of the bipartisan work.

I have spoken to medical students several times recently, and I have told them that the tools and technologies they will have at their disposal will revolutionize the practice of medicine. This bill is part of that future.

A surveillance system will aid doctors on the ground right now who are struggling with ensuring a proper diagnosis. For example, with an MS examination, it generally reveals evidence of neurologic dysfunction, often asymptomatic in other locations. It is not science fiction to think that, in the future, a scientist noticing a genetic or blood marker in certain patients will be able to use surveillance systems like the ones created under this bill to link genetic factors with occupations, environmental and other demographic information.

As diagnoses are made, we will have the ability to create progression markers, which will help researchers compile the data and construct treatments for future patients with similar backgrounds. That is how we will get the vaccines, the treatments, and the cures for the next generation.

Future physicians will be able to tailor treatment to patients based on previous results and will be able to disseminate the information and encourage high-risk populations to connect to available resources, but we need to put in place the first building blocks. The epidemiologic evidence supports the role of environmental exposure to conditions like multiple sclerosis. MS also correlates with high socioeconomic status, which might reflect improved sanitation and delayed initial exposure to infectious agents, but we will not be able to be sure until we can monitor on a statistically significant basis.

Again, I want to reiterate my strong support for the bill, and I urge my colleagues to support it.

I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I am pleased to join my colleague, Rep. MICHAEL BURGESS, on this bipartisan legislation and I want to thank him for his leadership on this important issue. I also want to thank Chairman WAXMAN, Chairman PALLONE, Ranking Member BARTON, and Ranking Member SHIMKUS for their support.

Our staffs have worked long and hard in a bipartisan manner to get to this point today. I

particularly want to recognize Ray Thorn on my staff, Anne Morris on the Committee staff, and JP Paluskeiwisc on Rep. BURGESS' staff for their work on this legislation.

While thousands of Americans are affected by Multiple Sclerosis, Parkinson's, or other neurological diseases, very little accurate information exists to assist those who research, treat, and provide care to those suffering from these diseases. Accurate incidence and prevalence information is critical and needed to gain a better understanding of these diseases. This lack of information inhibits research, treatments, programs, and services.

In 2000, the Pew Environmental Health Commission, recommended that neurological diseases, such as Parkinson's and Multiple Sclerosis, be tracked by a national data system. Today, we take an important step implementing that recommendation by establishing a national neurological diseases surveillance system at CDC.

Quite simply, the National Neurological Diseases Surveillance System Act will help improve and enhance the infrastructure in tracking the incidence and prevalence on neurological diseases, including Multiple Sclerosis and Parkinson's disease. The information collected through this surveillance system will provide a foundation for evaluating and understanding many factors such as geographic clusters of diagnosis, variances in the gender ratio, disease burden, and changes in health care practices.

Mr. Speaker, this legislation represents an opportunity to move neurological disease research in a meaningful way that aims to improve the lives of all Americans suffering from Multiple Sclerosis, Parkinson's, or other neurological diseases.

I urge my colleagues to support this bipartisan bill.

Mr. PALLONE. 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. PALLONE) that the House suspend the rules and pass the bill, H.R. 1362, 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.

STEM CELL THERAPEUTIC AND RESEARCH REAUTHORIZATION ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3751) to amend the Stem Cell Therapeutic and Research Act of 2005.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3751

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 ''Stem Cell Therapeutic and Research Reauthorization Act of 2010''.

SEC. 2. AMENDMENTS TO THE STEM CELL THERAPEUTIC AND RESEARCH ACT OF 2005.

(a) CORD BLOOD INVENTORY.—Section 2 of the Stem Cell Therapeutic and Research Act of 2005 (42 U.S.C. 274k note) is amended—

(1) in subsection (a), by inserting ''the inventory goal of at least'' before ''150,000'';

(2) in subsection (c)—

(A) in paragraph (2), by striking ''or is transferred'' and all that follows through the period and inserting ''for a first-degree relative.''; and

(B) in paragraph (3), by striking ''150,000'';

(3) in subsection (d)—

(A) in paragraph (1), by inserting ''beginning on the last date on which the recipient of a contract under this section receives Federal funds under this section'' after ''10 years'';

(B) in paragraph (2), by striking ''; and'' and inserting '';'';

(C) by redesignating paragraph (3) as paragraph (5); and

(D) by inserting after paragraph (2) the following:

''(3) will provide a plan to increase cord blood unit collections at collection sites that exist at the time of application, assist with the establishment of new collection sites, or contract with new collection sites;

''(4) will annually provide to the Secretary a plan for, and demonstrate, ongoing measurable progress toward achieving self-sufficiency of cord blood unit collection and banking operations; and'';

(4) in subsection (e)—

(A) in paragraph (1)—

(i) by striking ''10 years'' and inserting ''a period of at least 10 years beginning on the last date on which the recipient of a contract under this section receives Federal funds under this section''; and

(ii) by striking the second sentence and inserting ''The Secretary shall ensure that no Federal funds shall be obligated under any such contract after the date that is 5 years after the date on which the contract is entered into, except as provided in paragraphs (2) and (3).'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''Subject to paragraph (1)(B), the'' and inserting ''The''; and

(II) by striking ''3'' and inserting ''5'';

(ii) in subparagraph (A) by striking ''150,000'' and all that follows through ''and'' at the end and inserting ''the inventory goal described in subsection (a) has not yet been met;'';

(iii) in subparagraph (B)—

(I) by inserting ''meeting the requirements under subsection (d)'' after ''receive an application for a contract under this section''; and

(II) by striking ''or the Secretary'' and all that follows through the period at the end and inserting ''; or''; and

(iv) by adding at the end the following:

''(C) the Secretary determines that the outstanding inventory need cannot be met by the qualified cord blood banks under contract under this section.''; and

(C) by striking paragraph (3) and inserting the following:

''(3) EXTENSION ELIGIBILITY.—A qualified cord blood bank shall be eligible for a 5-year extension of a contract awarded under this section, as described in paragraph (2), provided that the qualified cord blood bank—

''(A) demonstrates a superior ability to satisfy the requirements described in subsection (b) and achieves the overall goals for which the contract was awarded;

''(B) provides a plan for how the qualified cord blood bank will increase cord blood unit collections at collection sites that exist at the time of consideration for such extension of a contract, assist with the establishment of new collection sites, or contract with new collection sites; and

''(C) annually provides to the Secretary a plan for, and demonstrates, ongoing measurable progress toward achieving self-sufficiency of cord blood unit collection and banking operations.'';

(5) in subsection (g)(4), by striking ''or parent''; and

(6) in subsection (h)—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the program under this section $23,000,000 for each of fiscal years 2011 through 2014 and $20,000,000 for fiscal year 2015.'';

(B) by redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2), as so redesignated, by striking ''in each of fiscal years 2007 through 2009'' and inserting ''for each of fiscal years 2011 through 2015''.

(b) NATIONAL PROGRAM.—Section 379 of the Public Health Service Act (42 U.S.C. 274k) is amended—

(1) by striking subsection (a)(6) and inserting the following:

''(6) The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall submit to Congress an annual report on the activities carried out under this section.'';

(2) in subsection (d)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''With respect to cord blood, the Program shall—'' and inserting the following:

''(A) IN GENERAL.—With respect to cord blood, the Program shall—'';

(ii) by redesignating subparagraphs (A) through (H) as clauses (i) through (viii) respectively;

(iii) by striking clause (iv), as so redesignated, and inserting the following:

''(iv) support and expand new and existing studies and demonstration and outreach projects for the purpose of increasing cord blood unit donation and collection from a genetically diverse population and expanding the number of cord blood unit collection sites partnering with cord blood banks receiving a contract under the National Cord Blood Inventory program under section 2 of the Stem Cell Therapeutic and Research Act of 2005, including such studies and projects that focus on—

''(I) remote collection of cord blood units, consistent with the requirements under the Program and the National Cord Blood Inventory program goal described in section 2(a) of the Stem Cell Therapeutic and Research Act of 2005; and

''(II) exploring novel approaches or incentives to encourage innovative technological advances that could be used to collect cord blood units, consistent with the requirements under the Program and such National Cord Blood Inventory program goal;''; and

(iv) by adding at the end the following:

''(B) EFFORTS TO INCREASE COLLECTION OF HIGH QUALITY CORD BLOOD UNITS.—In carrying out subparagraph (A)(iv), not later than 1 year after the date of enactment of the Stem Cell Therapeutic and Research Reauthorization Act of 2010 and annually thereafter, the Secretary shall set an annual goal of increasing collections of high quality cord blood

units, consistent with the inventory goal described in section 2(a) of the Stem Cell Therapeutic and Research Act of 2005 (referred to in this subparagraph as the 'inventory goal'), and shall identify at least one project under subparagraph (A)(iv) to replicate and expand nationwide, as appropriate. If the Secretary cannot identify a project as described in the preceding sentence, the Secretary shall submit a plan, not later than 180 days after the date on which the Secretary was required to identify such a project, to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives for expanding remote collection of high quality cord blood units, consistent with the requirements under the National Cord Blood Inventory program under section 2 of the Stem Cell Therapeutic and Research Act of 2005 and the inventory goal. Each such plan shall be made available to the public.

''(C) DEFINITION.—In this paragraph, the term 'remote collection' means the collection of cord blood units at locations that do not have written contracts with cord blood banks for collection support.''; and

(B) in paragraph (3)(A), by striking ''(2)(A)'' and inserting ''(2)(A)(i)''; and

(3) by striking subsection (f)(5)(A) and inserting the following:

''(A) require the establishment of a system of strict confidentiality to protect the identity and privacy of patients and donors in accordance with Federal and State law; and''.

(c) ADDITIONAL REPORTS.—

(1) INTERIM REPORT.—In addition to the annual report required under section 379(a)(6) of the Public Health Service Act (42 U.S.C. 274k(a)(6)), the Secretary of Health and Human Services (referred to in this subsection as the ''Secretary''), in consultation with the Advisory Council established under such section 379, shall submit to Congress an interim report not later than 180 days after the date of enactment of this Act describing—

(A) the methods to distribute Federal funds to cord blood banks used at the time of submission of the report;

(B) how cord blood banks contract with collection sites for the collection of cord blood units; and

(C) recommendations for improving the methods to distribute Federal funds described in subparagraph (A) in order to encourage the efficient collection of high-quality and diverse cord blood units.

(2) RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Advisory Council shall submit recommendations to the Secretary with respect to—

(A) whether models for remote collection of cord blood units should be allowed only with limited, scientifically-justified safety protections; and

(B) whether the Secretary should allow for cord blood unit collection from routine deliveries without temperature or humidity monitoring of delivery rooms in hospitals approved by the Joint Commission.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 379B of the Public Health Service Act (42 U.S.C. 274m) is amended by striking ''$34,000,000'' and all that follows through the period at the end, and inserting ''$30,000,000 for each of fiscal years 2011 through 2014 and $33,000,000 for fiscal year 2015.''.

(e) REPORT ON CORD BLOOD UNIT DONATION AND COLLECTION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, and the Secretary of Health and Human Services a report reviewing studies, demonstration programs, and outreach efforts for the purpose of increasing cord blood unit donation and collection for the National Cord Blood Inventory to ensure a high-quality and genetically diverse inventory of cord blood units.

(2) CONTENTS.—The report described in paragraph (1) shall include a review of such studies, demonstration programs, and outreach efforts under section 2 of the Stem Cell Therapeutic and Research Act of 2005 (42 U.S.C. 274k note) (as amended by this Act) and section 379 of the Public Health Service Act (42 U.S.C. 274k) (as amended by this Act), including—

(A) a description of the challenges and barriers to expanding the number of cord blood unit collection sites, including cost, the cash flow requirements and operations of awarding contracts, the methods by which funds are distributed through contracts, the impact of regulatory and administrative requirements, and the capacity of cord blood banks to maintain high-quality units;

(B) remote collection or other innovative technological advances that could be used to collect cord blood units;

(C) appropriate methods for improving provider education about collecting cord blood units for the national inventory and participation in such collection activities;

(D) estimates of the number of cord blood unit collection sites necessary to meet the outstanding national inventory need and the characteristics of such collection sites that would help increase the genetic diversity and enhance the quality of cord blood units collected;

(E) best practices for establishing and sustaining partnerships for cord blood unit collection at medical facilities with a high number of minority births;

(F) potential and proven incentives to encourage hospitals to become cord blood unit collection sites and partner with cord blood banks participating in the National Cord Blood Inventory under section 2 of the Stem Cell Therapeutic and Research Act of 2005 and to assist cord blood banks in expanding the number of cord blood unit collection sites with which such cord blood banks partner;

(G) recommendations about methods cord blood banks and collection sites could use to lower costs and improve efficiency of cord blood unit collection without decreasing the quality of the cord blood units collected; and

(H) a description of the methods used prior to the date of enactment of this Act to distribute funds to cord blood banks and recommendations for how to improve such methods to encourage the efficient collection of high-quality and diverse cord blood units, consistent with the requirements of the C.W. Bill Young Cell Transplantation Program and the National Cord Blood Inventory program under section 2 of the Stem Cell Therapeutic and Research Act of 2005.

(f) DEFINITION.—In this Act, the term ''remote collection'' has the meaning given such term in section 379(d)(2)(C) of the Public Health Service Act.

The SPEAKER pro tempore (Mr. KRATOVIL). Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. 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 in the RECORD.

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

There was no objection.

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

Mr. Speaker, S. 3751, the Stem Cell Therapeutic and Research Reauthorization Act of 2010, is identical to legislation sponsored by Representatives YOUNG and MATSUI, H.R. 6081, and passed by voice vote by the Energy and Commerce Committee.

S. 3751 would reauthorize the C.W. Bill Young Cell Transplantation Program, which includes the national registry for adult donors of bone marrow, peripheral blood adult stem cells and umbilical cord blood units, the Office of Patient Advocacy, and the Stem Cell Therapeutic Outcomes Database. It would also reauthorize the National Cord Blood Inventory, which is a program that provides grants to public cord blood banks to assist them in collecting donated cord blood units that are then listed on the national registry.

This is good legislation. It has strong bipartisan support, and I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. BURGESS. I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank my good friend for yielding.

To Chairman PALLONE, thank you.

Mr. Speaker, today the House will vote to reauthorize the Stem Cell Therapeutic and Research Act, which is the law that I, along with ARTUR DAVIS, sponsored back in 2005.

That law created a new nationwide umbilical cord blood stem cell program, designed to collect, derive, type, and freeze cord blood units for transplantation into patients to mitigate and to even cure serious disease. Pursuant to the law, it also provided stem cells for research. The new cord blood program was combined in our 2005 law with an expanded bone marrow initiative, which was crafted over several years by our distinguished colleague BILL YOUNG.

Since the program was enacted in 2005, 12 cord blood banks have received contracts with the Health Resources and Services Administration. Earlier this year, HRSA reported that there were some 27,493 cord blood units collected and that another 13,000-plus units will be collected with the funds that have already been awarded.

The reauthorization before us authorizes $23 million to be appropriated for fiscal year 2011 through fiscal year 2014 and $20 million for fiscal year 2015 for the national cord blood inventory, and it also authorizes $30 million to be appropriated for fiscal years 2011 through 2014 and $33 million for fiscal year 2015 for the bone marrow transplant program.

□ 2210

It also enhances the studies, demonstration programs and outreach projects related to cord blood donation and collection to include exploring innovative technologies, novel approaches, and expanding the number of collection sites.

It also extends the term of initial and contract extensions from 3 to 5 years, making it easier for banks to engage in long-term relationship building with birthing hospitals.

It will also require the cord blood banks to establish a plan for increasing cord blood unit collections and/or to expand the number of collection sites with which they work and provide a plan for becoming self-sufficient

Mr. Speaker, each year over 4 million babies are born in America. In the past, virtually every placenta and umbilical cord was tossed as medical waste. Today, doctors have turned this medical waste into medical miracles.

Not only has God in His wisdom and goodness created a placenta and umbilical cord to nurture and protect the precious life of an unborn child, but now we know that another gift awaits us immediately after birth. Something very special is left behind—cord blood that is teeming with lifesaving stem cells. Indeed, it remains one of the best kept secrets in America that umbilical cord blood stem cells and adult stem cells in general are curing people of a myriad of terrible conditions and diseases—over 70 diseases in adults as well as in children.

Cord blood transplants are on the cutting edge of science for the treatment of leukemia. In June, researcher Dr. Mary Eapen of the Medical College of Wisconsin said that, in treating leukemia in adult patients, cord blood is so flexible that it even worked when it's not an exact match. ''What we found is when you look at the outcome of leukemia-free survival, which is the likelihood of a patient being alive without disease, it's the same whether you are transplanting using an adult graft which is from an adult donor or a cord blood unit.'' Very promising results are also being found in children with leukemia who undergo cord blood transplants, with 60 percent of patients alive and leukemia-free at 60 months.

In addition to treating blood cancers, clinical trials are underway for the treatment of many other cancers, such as breast and kidney cancer and treating solid tumors. Human clinical trials show promise in treating type 1 diabetes, cerebral palsy, metabolic storage diseases, brain injury and encephalopathy, respiratory distress in newborns, spinal cord injury, and cartilage injuries.

Cord blood stem cells transplants can cure sickle cell anemia, one of the most horrific diseases suffered by and affecting one out of every 500 African Americans in America.

The legislation that is before us, thankfully, has already cleared the Senate and will soon be down to the President's desk for signature. The legislation before us lays out many important goals and benchmarks so that more patients will be able to receive the treatments that they so desperately need.

Dr. Joanne Kurtzberg with Duke University Medical Center recently stated in a review of the successes of cord blood transplantations: ''Cord blood transplantation is now an established field with enormous potential. In the future, it may emerge as a source of cells for cellular therapies focused on tissue repair and regeneration.''

This is a great bill. It is bipartisan and deserves the support of the entire body.

Mr. BURGESS. Mr. Speaker, I yield myself 1 minute.

I urge passage of S. 3751 to reauthorize the Stem Cell Therapeutic and Research Authorization Act that was enacted in 2005 and is now being implemented.

The C.W. Bill Young Cell Transplantation Program provides support to patients with leukemia, lymphoma, and sickle cell who need a potentially lifesaving bone marrow or cord blood transplant. One of the goals of the program is to increase the amount of marrow donors and cord blood units.

This program has been a success, and the reauthorization will allow us to continue the good work that was started in 2005.

Again, I urge my colleagues to support the bill.

I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I rise today in strong support of S. 3751, the Stem Cell Therapeutic and Research Reauthorization Act of 2010.

This legislation is identical to H.R. 6081, a bill that I introduced with Mr. YOUNG of Florida to reauthorize critical bone marrow and cord blood transplant programs that save thousands of lives each year.

Each year, nearly 40,000 people under the age of 55 are diagnosed with fatal bone marrow illnesses, and about 16,000 of those individuals can only be treated via blood stem cell transplant.

These patient's lives depend on finding an acceptable adult stem cell donor match—quickly and easily.

The Stem Cell Therapeutic and Research Reauthorization Act of 2010 would reauthorize the key programs responsible for helping these individuals by recruiting bone marrow, adult stem cell, and cord blood donations; matching donors and potential recipients; and linking these patients to care.

S. 3751 includes two main parts to achieve this spectrum of donation, connection, and care.

The first is the C.W. Bill Young Cell Transplantation Program, which houses the National Registry, the Office of Patient Advocacy, and the Stem Cell Therapeutic Outcomes Database.

The second is the National Cord Blood Inventory (NCBI), a program that provides grants to public cord blood banks to assist them in collecting a diverse population of donated cord blood units. These units are then listed on the National Registry, where patients and doctors can find them.

The reauthorization represents legislation that is truly bipartisan and bicameral, which is evident in the fact that it passed the Senate by unanimous consent on September 28, 2010.

Mr. Speaker, I commend our Leadership and thank Chairman WAXMAN, Chairman PALLONE and their staffs for bringing the reauthorization to the floor in time to vote before these programs expire on Thursday, September 30, 2010.

This is meaningful legislation with strong bipartisan support and a proven track record.

I urge my colleagues to support passage of this important legislation.

Mr. PALLONE. Mr. Speaker, I urge passage 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 New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, S. 3751.

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. BURGESS. 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.

COMMENDING EYECARE AMERICA

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1226) commending EyeCare America for its work over the last 25 years, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1226

Whereas American public opinion polls have identified fear of loss of vision as second only to fear of cancer;

Whereas in those public opinion polls Americans have said that loss of vision would have significant impact on their lives;

Whereas the National Eye Institute estimates that more than 42 million Americans have common vision problems, such as myopia (nearsightedness) and hyperopia (farsightedness);

Whereas approximately 35 million Americans experience an age-related eye disease, such as age-related macular degeneration (the leading cause of vision loss in older Americans), glaucoma, diabetic retinopathy, or cataracts;

Whereas the number of Americans to experience an age-related eye disease is expected to increase to 50 million by 2020;

Whereas vision impairment and eye disease is a major public health issue;

Whereas 2010 begins the decade in which the 78 million baby boomers will begin to turn 65 and be at greater risk for certain forms of eye disease;

Whereas much can be done to preserve sight with early detection and treatment;

Whereas EyeCare America, the public service program of the Foundation of the American Academy of Ophthalmology, works to ensure that eye health is not neglected, by matching eligible patients with one of more than 7,000 volunteer ophthalmologists across the county committed to preventing unnecessary blindness in their communities;

Whereas these volunteer ophthalmologists provide seniors with eye examinations and care for up to one year at no out-of-pocket cost to the patient;

Whereas individuals throughout the United States may contact EyeCare America to see if they are eligible to be referred to a volunteer ophthalmologist; and

Whereas EyeCare America has helped over 1 million people since its inception in 1985 and is one of the largest public service programs of its kind in American medicine today: Now, therefore, be it

Resolved, That the House of Representatives commends EyeCare America for its work over the last 25 years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. 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 in the RECORD.

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

There was no objection.

Mr. PALLONE. Mr. Speaker, I rise today in support of House Resolution 1226. This resolution recognizes EyeCare America, a public service program with the Foundation of the American Academy of Ophthalmology, for 25 years of service. I urge my colleagues to support House Resolution 1226.

I reserve the balance of my time.

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

I rise in support of H. Res. 1226, commending EyeCare America for its work over the past 25 years.

The American Academy of Ophthalmology founded EyeCare America in 1985. Its vision is to lower the incidence of severe visual impairments, including blindness, through education and by facilitating access to medical eye care.

Since its founding, EyeCare America has helped over 1 million people, which makes it one of the largest public service programs of its kind. In fulfilling its mission, EyeCare America has also had over 7,000 volunteers. This highlights what many of us have known for a long time—Americans care for one another and they are willing to donate their time and energy to help others.

And this work has been important. Already, over 40 million Americans are nearsighted or farsighted. And as the over 65 population grows, more Americans are being diagnosed with age-related eye diseases such as macular degeneration, glaucoma, diabetic retinopathy, and cataracts. By educating Americans on the importance of early detection and treatments, and by helping refer qualifying patients to volunteer ophthalmologists, EyeCare America is doing its part to help prevent avoidable eye diseases.

I would like to thank my fellow Texan, Representative GENE GREEN, for his work on this resolution. I congratulate EyeCare America and its 7,000 volunteers for their efforts over the last 25 years. As a fellow physician and cosponsor of this legislation, let me just say, Keep up the good work.

Mr. Speaker, I urge Members to support H. Res. 1226.

I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of H. Res. 1226, recognizing the 25th anniversary of EyeCare America, the public service program of the Foundation of the American Academy of Ophthalmology.

Founded in 1985, EyeCare America's mission is to reduce avoidable blindness and severe visual impairment by raising awareness about eye disease and care, providing free health education materials and facilitating access to medical eye care.

EyeCare America has programs for seniors, glaucoma, diabetes and children.

In 2010, EyeCare America celebrates its 25th anniversary and across our nation, nearly 7,000 ophthalmologists volunteer their services to this worthwhile public service program.

Approximately, 35 million Americans experience an age-related eye disease, including age-related macular degeneration, glaucoma, diabetic retinopathy, and cataracts, with this number expected to grow to 50 million by 2020.

Vision impairment and eye disease is a major public health issue, especially as 2010 begins the decade in which more than half of the 78 million Baby Boomers will turn 65 and be at greatest risk for aging eye disease.

EyeCare America works to ensure that eye health is not neglected, by matching eligible patients with one of nearly 7,000 volunteer ophthalmologists across the country committed to preventing unnecessary blindness in their communities.

These volunteer ophthalmologists will provide them with a medical eye exam and up to one year of care at no out-of-pocket cost. Seniors without insurance receive this care at no charge.

EyeCare America has helped over 1 million people since its inception and is one of the largest public service programs of its kind in American medicine today.

I'd like to thank Rep. WHITFIELD, Chairman PALLONE, Chairman WAXMAN, and Ranking Member BARTON for their support and assistance in moving this bipartisan resolution.

Mr. PALLONE. Mr. Speaker, I ask for passage of the legislation, and 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. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 1226, 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.

HEART DISEASE EDUCATION, ANALYSIS RESEARCH, AND TREATMENT FOR WOMEN ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1032) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1032

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 ''Heart Disease Education, Analysis Research, and Treatment for Women Act'' or the ''HEART for Women Act''.

SEC. 2. REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study investigating the extent to which sponsors of clinical studies of investigational drugs, biologics, and devices and sponsors of applications for approval or licensure of new drugs, biologics, and devices comply with Food and Drug Administration requirements and follow guidance for presentation of clinical study safety and effectiveness data by sex, age, and racial subgroups.

(b) REPORT BY GAO.—

(1) SUBMISSION.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General shall complete the study under subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the results of such study.

(2) CONTENTS.—The report required by paragraph (1) shall include each of the following:

(A) A description of the extent to which the Food and Drug Administration assists sponsors in complying with the requirements and following the guidance referred to in subsection (a).

(B) A description of the effectiveness of the Food and Drug Administration's enforcement of compliance with such requirements.

(C) An analysis of the extent to which females, racial and ethnic minorities, and adults of all ages are adequately represented in Food and Drug Administration-approved clinical studies (at all phases) so that product safety and effectiveness data can be evaluated by gender, age, and racial subgroup.

(D) An analysis of the extent to which a summary of product safety and effectiveness data disaggregated by sex, age, and racial subgroup is readily available to the public in a timely manner by means of the product label or the Food and Drug Administration's Website.

(E) Appropriate recommendations for—

(i) modifications to the requirements and guidance referred to in subsection (a); or

(ii) oversight by the Food and Drug Administration of such requirements.

(c) REPORT BY HHS.—Not later than 6 months after the submission by the Comptroller General of the report required under subsection (b), the Secretary of Health and Human Services shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a response to that report, including a corrective action plan as needed to respond to the recommendations in that report.

(d) DEFINITIONS.—In this section:

(1) The term ''biologic'' has the meaning given to the term ''biological product'' in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)).

(2) The term ''device'' has the meaning given to such term in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)).

(3) The term ''drug'' has the meaning given to such term in section 201(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)).

SEC. 3. REPORTING ON QUALITY OF AND ACCESS TO CARE FOR WOMEN WITH CARDIOVASCULAR DISEASES.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399V–5. REPORTING ON QUALITY OF AND ACCESS TO CARE FOR WOMEN WITH CARDIOVASCULAR DISEASES.

''Not later than September 30, 2013, and annually thereafter, the Secretary of Health and Human Services shall prepare and submit to the Congress a report on the quality of and access to care for women with heart disease, stroke, and other cardiovascular diseases. The report shall contain recommendations for eliminating disparities in, and improving the treatment of, heart disease, stroke, and other cardiovascular diseases in women.''.

SEC. 4. EXTENSION OF WISEWOMAN PROGRAM.

Section 1509 of the Public Health Service Act (42 U.S.C. 300n–4a) is amended—

(1) in subsection (a)—

(A) by striking the heading and inserting ''IN GENERAL.—''; and

(B) in the matter preceding paragraph (1), by striking ''may make grants'' and all that follows through ''purpose'' and inserting the following: ''may make grants to such States for the purpose''; and

(2) in subsection (d)(1), by striking ''there are authorized'' and all that follows through the period and inserting ''there are authorized to be appropriated $23,000,000 for fiscal year 2012, $25,300,000 for fiscal year 2013, $27,800,000 for fiscal year 2014, $30,800,000 for fiscal year 2015, and $34,000,000 for fiscal year 2016.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. 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 in the RECORD.

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

There was no objection.

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

I rise today in strong support of H.R. 1032, the HEART for Women Act. Heart disease is the number one killer of women, and stroke is the number three killer of women. H.R. 1032 expands the CDC's Wise Women Program, which serves low-income, uninsured, and underinsured women by providing cardiovascular disease screenings, referrals, outreach, and education about healthy behaviors.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

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

H.R. 1032, the Heart Disease Education, Analysis, Research, and Treatment for Women Act, would take several important steps in the fight against heart disease, stroke, and other cardiovascular diseases.

First, the amended bill would require the Government Accountability Office to conduct a study on the extent to which sponsors of new drugs, biologics, and devices follow current guidelines with respect to providing clinical trial data by gender and ethnicity. It would also require the Secretary to submit a report to Congress by September 30, 2013, and annually thereafter on the quality and access to care for women with heart disease, stroke, and other cardiovascular disease. Finally, the bill would reauthorize the Wise Women Program for 5 years. The program provides preventative benefits to uninsured and underinsured women who are at high risk of heart disease.

I urge my colleagues to support the bill.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of H.R. 1032, the HEART for Women Act. As you may know, heart disease is the number one killer of American women, claiming the lives of over 400,000 women annually.

The HEART for Women Act seeks to improve our capability to prevent, diagnose and treat heart disease in women in three ways.

First, it requires a GAO report to carefully look at the FDA's record of evaluating new drug and device applications in an effort to ensure we are taking into account how new drugs and devices affect women differently than men as well as people of different ethnicities or ages.

This could not be more timely following the recently released Institute of Medicine report "Women's Health Research: Progress, Pitfalls, and Promise" recommending that "all medical product evaluations by the Food and Drug Administration present efficacy and safety data separately for men and women. . ."

Second, the bill requires the Secretary to report on the quality and access to care for women with heart disease, stroke and other cardiovascular disease.

And finally, it expands the CDC's successful WISEWOMAN program which provides critical cardiovascular screening, treatment, education and prevention services to low-income women.

I'd like to thank the broad coalition of supporters who have endorsed this legislation, especially American Heart Association, WomenHeart and the Society for Women's Health Research.

I urge my colleagues to vote in favor of this legislation and in favor of improving the health of women living with heart disease.

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

Mr. PALLONE. Mr. Speaker, I urge passage 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 New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1032, 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. BURGESS. 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.

SCLERODERMA RESEARCH AND AWARENESS ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2408) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2408

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 ''Scleroderma Research and Awareness Act of 2010''.

SEC. 2. NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES; SCLERODERMA RESEARCH EXPANSION.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

''SEC. 409K. SCLERODERMA RESEARCH.

''The Director of NIH may expand, intensify, and coordinate the activities of the National Institutes of Health with respect to scleroderma, with particular emphasis on the following:

''(1) Research focused on the etiology of scleroderma and the development of new treatment options.

''(2) Clinical research to evaluate new treatments options.

''(3) Basic research on the relationship between scleroderma and secondary conditions such as pulmonary hypertension, gastroparesis, Raynaud's phenomenon, Sjögren's Syndrome, and other diseases as determined by the Director.''.

SEC. 3. PROMOTING PUBLIC AWARENESS OF SCLERODERMA.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399V–5. PROMOTING PUBLIC AWARENESS OF SCLERODERMA.

''The Secretary may carry out an educational campaign to increase public awareness of scleroderma. Print, video, and Web-based materials distributed through this campaign may include—

''(1) basic information on scleroderma and its symptoms; and

''(2) information on—

''(A) the incidence and prevalence of scleroderma;

''(B) diseases and conditions affiliated with scleroderma; or

''(C) the importance of early diagnosis and treatment of scleroderma.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. 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 in the RECORD.

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

There was no objection.

Mr. PALLONE. Mr. Speaker, I rise today in strong support of H.R. 2408, the Scleroderma Research and Awareness Act. H.R. 2408 would encourage NIH to conduct more research into scleroderma and encourage HHS to conduct a public awareness campaign about scleroderma. I urge my colleagues to support this legislation.

I reserve the balance of my time.

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

H.R. 2408, the Scleroderma Research and Awareness Act, would expand research and education for scleroderma. There are an estimated 300,000 people in the United States who have this disease. The exact cause or causes of scleroderma are still unknown, but scientists and medical investigators in a wide variety of fields are working to make those determinations.

Scleroderma, or systemic sclerosis, is a chronic connective tissue disease generally classified as one of the autoimmune rheumatic diseases. This bill will provide the Department of Health and Human Services flexibility to help us in the fight against scleroderma in the following ways: First, the bill would allow but not require the director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases of the National Institutes of Health to expand, intensify, and coordinate the activities of the institute with respect to scleroderma. Second, the amended bill would allow but not require the Health and Human Services Secretary, acting through the Centers for Disease Control, to carry out an educational campaign to increase public awareness of scleroderma.

This bill underwent some very important modifications at the committee level. I think it is a better bill for that bipartisan effort. I do urge my colleagues to support this legislation.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of H.R. 2408, the Scleroderma Research and Awareness Act.

Scleroderma is a chronic connective tissue disease in which hardening of the skin is one of the most visible manifestations of the disease.

An estimated 300,000 people in the United States have scleroderma and female patients outnumber male patients an astonishing four to one.

The exact cause or causes of scleroderma are still unknown and there is no cure, which make greater research into this disease all the more necessary.

H.R. 2408 would encourage NIH to conduct more research into Scleroderma and encourage the Secretary of Health & Human Services to conduct a public awareness campaign about the disease.

Passage of this bill out of Committee and in the House of Representatives would not be possible without the grassroots advocacy of patients and families of patients with Scleroderma so I would like to thank them personally for helping us reach today.

Finally, I would like to thank the lead Republican co-sponsor of this legislation, VERN EHLERS of Michigan for his continued support of H.R. 2408.

I urge my colleagues to vote in favor of this bill.

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

Mr. PALLONE. Mr. Speaker, I urge passage 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 New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 2408, 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. BURGESS. 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.

NEGLECTED INFECTIONS OF IMPOVERISHED AMERICANS ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5986) to require the submission of a report to the Congress on parasitic disease among poor Americans.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5986

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 ''Neglected Infections of Impoverished Americans Act of 2010''.

SEC. 2. REPORT TO CONGRESS ON THE CURRENT STATE OF PARASITIC DISEASES THAT HAVE BEEN OVERLOOKED AMONG THE POOREST AMERICANS.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall report to the Congress on the epidemiology of, impact of, and appropriate funding required to address neglected diseases of poverty, including neglected parasitic diseases such as—

(1) Chagas disease;
(2) cysticercosis;
(3) toxocariasis;
(4) toxoplasmosis;
(5) trichomoniasis;
(6) the soil-transmitted helminths; and
(7) other related diseases, as designated by the Secretary.

(b) REQUIRED INFORMATION.—The report under subsection (a) should provide the information necessary to guide future health policy to—

(1) accurately evaluate the current state of knowledge concerning diseases described in such subsection and define gaps in such knowledge; and

(2) address the threat of such diseases.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. 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 in the RECORD.

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

There was no objection.

Mr. PALLONE. Mr. Speaker, I rise today in strong support of H.R. 5986, the Neglected Infections of Impoverished Americans Act of 2010. This bill

requires a report that will help CDC and Congress to determine the best and most effective next steps for addressing neglected infections of poverty in the United States.

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

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

H.R. 5986, the Neglected Infections of Impoverished Americans Act of 2010, would require the Secretary of Health and Human Services to issue a report on neglected diseases of poverty, including parasitic diseases. Researchers have suggested that poor citizens are affected by infections, including those caused by parasites. Under the bill, the Health and Human Services Department must conduct a study within 12 months on the epidemiology and impact of neglected parasitic infections associated with poverty. The report would provide the information to guide future health policy so we can accurately evaluate the current state of knowledge concerning such diseases and define gaps in the knowledge so that we can properly address the threat of such illnesses. It's a worthwhile endeavor. It's been significantly modified by the committee process, and I urge my colleagues to support it.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of my bill H.R. 5986, the Neglected Infections of Impoverished Americans Act of 2010. This bill would require the Secretary of Health and Human Services to report to Congress on the epidemiology of, impact of, and appropriate funding required to address neglected diseases of poverty, including neglected parasitic diseases such as Chagas disease, cysticercosis, toxocariasis, toxoplasmosis, trichomoniasis, the soil-transmitted helminths, and other related diseases. The bill requires the report to provide the information necessary to guide future health policy to accurately evaluate the current state of knowledge concerning these diseases and define gaps in such knowledge and address the threat of these diseases.

Mr. Speaker, according to the Centers for Disease Control and Prevention (CDC), neglected infections of poverty are a group of parasitic, bacterial, and viral infections that disproportionately affect impoverished groups, cause illness in a significant number of people, and receive limited attention in tracking, prevention, and treatment. A CDC fact sheet on Neglected Infections of Poverty states that improved tracking and research would help combat these diseases.

Neglected infections of poverty are associated with communities with contaminated playgrounds or other public spaces and lack of access to the health care system. This bill will help public health officials understand where these illnesses are and how many Americans are infected so that we can begin to deal with the negative health outcomes associated with these infections.

I support our efforts to fight neglected infections abroad and it is time that we begin to fight these infections here at home.

This bill has bipartisan support because we can all agree that better information is necessary to understand the threat of these diseases and guide future health policy.

I urge my colleagues to support this bill.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in strong support of H.R. 5986, the Neglected Infections of Impoverished Americans Act of 2010.

H.R. 5986 would require HHS to submit a report to Congress on the current state of parasitic diseases that have been overlooked among the poorest Americans.

A 2008 study by the George Washington University and Sabin Vaccine Institute identified high prevalence rates of parasitic infections in the poorest areas of the United States and along our border regions.

Scientists estimate that there may be up to 100 million infections of the neglected diseases identified in our legislation including Chagas Disease, Cysticercosis, Toxocariasis, Toxoplasmosis, and Trichomoniasis and other neglected diseases of poverty in the United States.

These diseases and other neglected diseases of poverty collectively infect up to 1.7 billion people around the world, but they disproportionately affect minority and impoverished populations across the United States, producing effects ranging from asymptomatic infection to asthma-like symptoms, seizures, and death.

This study is especially important because these neglected diseases receive less financial support than they deserve. A mere $231,730 of research funding was allocated by NIH since 1995.

This discrepancy in funding is known as the "10/90 gap"; a mere 10 percent of global health research funding is directed towards diseases affecting 90 percent of the global population.

The Neglected Infections of Impoverished Americans Act of 2010 would provide an up-to-date evaluation of the current dearth of knowledge regarding the epidemiology of these diseases and the socioeconomic, health and development impact they have on our society.

I'd like to thank Rep. HANK JOHNSON and Rep. GINGREY for their efforts on this legislation. This will mark the second time we've passed this legislation out of the House and I'm hopeful we can swiftly move it through the Senate.

I'd also like to thank Chairman WAXMAN, Chairman PALLONE, and Ranking Member BARTON for their efforts on this bipartisan legislation.

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

Mr. PALLONE. Mr. Speaker, I urge passage 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 New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 5986.

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.

DIABETES IN MINORITY POPULATIONS EVALUATION ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1995) to amend the Public Health Service Act to prevent and treat diabetes, to promote and improve the care of individuals with diabetes, and to reduce health disparities, relating to diabetes, within racial and ethnic minority groups, including the African-American, Hispanic American, Asian American, Native Hawaiian and Other Pacific Islander, and American Indian and Alaskan Native communities, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1995

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 ''Diabetes in Minority Populations Evaluation Act of 2010''.

SEC. 2. REPORT ON RESEARCH AND OTHER PUBLIC HEALTH ACTIVITIES OF HHS WITH RESPECT TO DIABETES AMONG MINORITY POPULATIONS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Congress a report on the research and other public health activities of the Department of Health and Human Services with respect to diabetes among minority populations.

(b) REQUIRED CONTENTS.—At a minimum, the report under subsection (a) shall include, with respect to research and activities described in subsection (a), the following:

(1) EVALUATION.—An evaluation of the following:

(A) Research on diabetes among minority populations, including with respect to—

(i) genetic, behavioral, and environmental factors that may contribute to disproportionate rates of diabetes among these populations; and

(ii) prevention of complications among individuals within these populations who have already developed diabetes.

(B) Surveillance and data collection on diabetes among minority populations, including with respect to—

(i) efforts to better determine the prevalence of diabetes among Asian Americans and Pacific Islanders subgroups; and

(ii) efforts to coordinate data collection on the American Indian population.

(C) Community-based interventions targeting minority populations, including with respect to—

(i) the evidence base for such interventions;

(ii) the cultural appropriateness of such interventions; and

(iii) efforts to educate the public on the causes and consequences of diabetes.

(D) Education and training of health professionals (including community health workers) on the prevention and management of diabetes and its related complications that is supported by the Health Resources and Services Administration, including through—

(i) the National Health Service Corps program; and

(ii) the community health center program.

(2) RECOMMENDATIONS.—Recommendations for improvement of the research and other public health activities of the Department of Health and Human Services with respect to diabetes among minority populations, including recommendations for coordination and comprehensive planning of such research and activities.

(c) DEFINITION.—In this Act, the term ''minority population'' means a racial and ethnic minority group, as defined in section 1707(g) of the Public Health Service Act (42 U.S.C. 300u–6(g)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. 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 in the RECORD.

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

There was no objection.

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

I rise today in strong support of H.R. 1995, the Diabetes in Minority Populations Evaluation Act of 2010. H.R. 1995 directs the Secretary of Health and Human Services to submit a report to Congress on the Department's research and other public health activities with respect to diabetes among minority populations.

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I ask my colleagues to support H.R. 1995.

I reserve the balance of my time.

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

H.R. 1995, the Eliminating Disparities in Diabetes Prevention and Access and Care Act, would authorize a study on how diabetes affects those with health disparities.

Diabetes affects an estimated 24 million Americans. Approximately 57 million Americans have a pre-diabetic condition. Type 1 diabetes is a disease which results from the body's failure to produce insulin. Type 2 diabetes, which is far more common, results from the body's inability to make enough insulin or properly use insulin, or the body is peripherally resistant to insulin.

According to the World Health Organization, an astonishing 6 percent of the world's population is affected with diabetes, causing six deaths every minute and 3.2 million deaths yearly.

In the United States we spend well over $200 billion a year on diabetes, yet the 2006 diabetes mortality rate for Texas was 27 deaths per 100,000 persons. For my Hispanic and African American constituents, the rate was 42 and 49 per 100,000; 1.7 million Texans over 18 years old have diabetes, and it is our State's sixth leading cause of death.

This bill would allow us to understand if minorities have a higher prevalence of type 2 diabetes, understand the reason for that higher rate, and begin to provide some relief for this condition.

I urge my colleagues to support this bill.

I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I also yield back the balance of my time and urge passage of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1995, 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 direct the Secretary of Health and Human Services to prepare a report on the research and other public health activities of the Department of Health and Human Services with respect to diabetes among minority populations.''.

A motion to reconsider was laid on the table.

ACQUIRED BONE MARROW FAILURE DISEASE RESEARCH AND TREATMENT ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1230) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1230

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 ''Acquired Bone Marrow Failure Disease Research and Treatment Act of 2010''.

SEC. 2. ACQUIRED BONE MARROW FAILURE DISEASE RESEARCH.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317T the following:

''SEC. 317U. ACQUIRED BONE MARROW FAILURE DISEASE RESEARCH.

''(a) IN GENERAL.—The Secretary may conduct research on acquired bone marrow failure diseases. Such research may address factors including—

''(1) trends in the characteristics of individuals who are diagnosed with acquired bone marrow failure diseases, including age, race and ethnicity, general geographic location, sex, family history, and any other characteristics determined appropriate by the Secretary;

''(2) the genetic and environmental factors, including exposure to toxins, that may be associated with developing acquired bone marrow failure diseases;

''(3) approaches to treating acquired bone marrow failure diseases;

''(4) outcomes for individuals treated for acquired bone marrow failure diseases, including outcomes for recipients of stem cell therapeutic products; and

''(5) any other factors pertaining to acquired bone marrow failure diseases determined appropriate by the Secretary.

''(b) COLLABORATION WITH THE RADIATION INJURY TREATMENT NETWORK.—In carrying out subsection (a), the Secretary may collaborate with the Radiation Injury Treatment Network of the C.W. Bill Young Cell Transplantation Program established pursuant to section 379 to—

''(1) augment data for the studies under such subsection;

''(2) access technical assistance that may be provided by the Radiation Injury Treatment Network; or

''(3) perform joint research projects.

''(c) DEFINITION.—In this section, the term 'acquired bone marrow failure disease' means—

''(1) myelodysplastic syndromes (MDS);

''(2) aplastic anemia;

''(3) paroxysmal nocturnal hemoglobinuria (PNH);

''(4) pure red cell aplasia;

''(5) acute myeloid leukemia that has progressed from myelodysplastic syndromes;

''(6) large granular lymphocytic leukemia; or

''(7) any other bone marrow failure disease specified by the Secretary, to the extent such disease is acquired and not inherited, as determined by the Secretary.''.

SEC. 3. MINORITY-FOCUSED PROGRAMS ON ACQUIRED BONE MARROW FAILURE DISEASES.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by inserting after section 1707A the following:

''SEC. 1707B. MINORITY-FOCUSED PROGRAMS ON ACQUIRED BONE MARROW FAILURE DISEASES.

''(a) INFORMATION AND REFERRAL SERVICES.—

''(1) IN GENERAL.—The Secretary may establish and coordinate outreach and informational programs targeted to minority populations, including Hispanic, Asian-American, Native Hawaiian, and Pacific Islander populations, that are affected by acquired bone marrow failure diseases.

''(2) PROGRAM ACTIVITIES.—Programs under subsection (a) may carry out activities that include—

''(A) making information about treatment options and clinical trials for acquired bone marrow failure diseases publicly available; and

''(B) providing referral services for treatment options and clinical trials.

''(b) DEFINITION.—In this section, the term 'acquired bone marrow failure disease' has the meaning given such term in section 317U(c).''.

SEC. 4. BEST PRACTICES FOR DIAGNOSIS OF AND CARE FOR INDIVIDUALS WITH ACQUIRED BONE MARROW FAILURE DISEASES.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.), as amended by section 2, is further amended by inserting after section 317U the following:

''SEC. 317V. BEST PRACTICES FOR DIAGNOSIS OF AND CARE FOR INDIVIDUALS WITH ACQUIRED BONE MARROW FAILURE DISEASES.

''(a) GRANTS.—The Secretary, acting through the Director of the Agency for Healthcare Research and Quality, may award grants to researchers to study best practices with respect to diagnosing acquired bone marrow failure diseases and providing care to individuals with such diseases.

''(b) DEFINITION.—In this section, the term 'acquired bone marrow failure disease' has the meaning given such term in section 317U(c).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their marks and include extraneous material in the RECORD.

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

There was no objection.

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

H.R. 1230, sponsored by the gentlewoman from California, Representative MATSUI, promotes research by HHS on acquired bone marrow failure disease, including the study of trends and the characteristics of individuals who are diagnosed with the disease, including age, race and ethnicity, sex and family history.

Mr. Speaker, it is my understanding that our former colleague, Representative Bob Matsui, actually passed away from this, and that is why it is particularly important, not only to Congresswoman MATSUI, but to all of us.

So I urge my colleagues to support this legislation.

I reserve the balance of my time.

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

H.R. 1230, the Bone Marrow Failure Disease Research and Treatment Act, would allow the Secretary of Health and Human Services to conduct research and outreach on acquired bone marrow failure diseases.

This bill would allow the Secretary of Health and Human Services to conduct additional research on acquired bone marrow diseases to aid in figuring out the causes of the disease and study how to better diagnose and care for individuals suffering from bone marrow diseases. The bill would also allow the Secretary to establish outreach programs that would help minority populations, who appear to be disproportionately affected by such acquired bone marrow diseases, in finding clinical trials and other treatment options.

I am a cosponsor of the bill. I urge my colleagues to support it.

I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I rise today in strong support of H.R. 1230, the Acquired Bone Marrow Failure Disease Research and Treatment Act.

Every year, it is estimated that between 20,000 and 30,000 Americans are diagnosed with some form of acquired bone marrow failure disease.

This classification of diseases, which include myelodysplastic syndromes (commonly known as MDS), aplastic anemia, paroxysmal nocturnal hemoglobinuria (known as PNH), and others, take a debilitating and deadly toll on those diagnosed, forcing patients and families to deal with significant health, social, and economic hardships.

In some cases, MDS can even progress over time to become leukemia, which affects hundreds of thousands of Americans in its own right.

And while individuals stricken with these conditions can take some action to prolong their lives, this diagnosis offers little hope that affected patients will ever fully recover.

In light of this, I introduced the Acquired Bone Marrow Failure Disease Research and Treatment Act to enhance and intensify current and future efforts in the fight against bone marrow failure diseases.

This legislation would support increased research on these still relatively unstudied diseases, including what genetic and environmental factors may be associated with the condition and best practices for the diagnosis and treatment of these diseases.

In addition, the bill would authorize coordinated outreach and informational programs targeted to minority populations affected by these diseases, including information on treatment options and clinical trials research.

These provisions are critical to the individuals affected by bone marrow failure diseases and their families, as it would bring both tangible progress to fighting these diseases, and provide hope to those who have suffered their effects.

This bill has bipartisan support, 62 cosponsors, and has incorporated suggestions from both sides of the aisle.

Mr. Speaker, I commend our Leadership and thank Chairman WAXMAN and Chairman PALLONE and their staff for bringing H.R. 1230 to the floor, and for their commitment to protecting the health of all Americans.

I urge my colleagues to support passage of this important legislation.

Mr. PALLONE. Mr. Speaker, I would also yield back the balance of my time and urge that the House pass this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1230, 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. BURGESS. 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.

GYNECOLOGIC CANCER EDUCATION AND AWARENESS ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2941) to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2941

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

SECTION 1. REAUTHORIZATION AND ENHANCEMENT OF JOHANNA'S LAW.

(a) IN GENERAL.—Section 317P(d) of the Public Health Service Act (42 U.S.C. 247b–17(d)(4)) is amended—

(1) in paragraph (4), by inserting after ''2009'' the following: ''and $18,000,000 for the period of fiscal years 2012 through 2014''; and

(2) by redesignating paragraph (4) as paragraph (6).

(b) CONSULTATION WITH NONPROFIT GYNECOLOGIC CANCER ORGANIZATIONS.—Section 317P(d) of such Act (42 U.S.C. 247b–17(d)), as amended by subsection (a), is further amended by inserting after paragraph (3) the following:

''(4) CONSULTATION WITH NONPROFIT GYNECOLOGIC CANCER ORGANIZATIONS.—In carrying out the national campaign under this subsection, the Secretary shall consult with the leading nonprofit gynecologic cancer organizations, with a mission both to conquer ovarian or other gynecologic cancer nationwide and to provide outreach to State and local governments and communities, for the purpose of determining the best practices for providing gynecologic cancer information and outreach services to varied populations.''.

SEC. 2. DEMONSTRATION PROJECTS REGARDING OUTREACH AND EDUCATION STRATEGIES RELATING TO GYNECOLOGIC CANCER.

(a) IN GENERAL.—Section 317P(d) of the Public Health Service Act (42 U.S.C. 247b–17(d)), as amended by section 1, is further amended by inserting after paragraph (4) the following:

''(5) DEMONSTRATION PROJECTS REGARDING OUTREACH AND EDUCATION STRATEGIES.—

''(A) IN GENERAL.—The Secretary may carry out a program to award grants or contracts to public or nonprofit private entities for the purpose of carrying out demonstration projects to test and compare different evidence-based outreach and education strategies to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers, including early warning signs, risk factors, prevention, screening, and treatment options. Such strategies shall include efforts directed at women and their families, physicians, nurses, and key health professionals.

''(B) PREFERENCES IN AWARDING GRANTS OR CONTRACTS.—In making awards under subparagraph (A), the Secretary shall give preference to—

''(i) applicants with demonstrated expertise in gynecologic cancer education or treatment or in working with groups of women who are at increased risk of gynecologic cancers; and

''(ii) applicants that, in the demonstration project funded by the grant or contract, will establish linkages between physicians, nurses, and key health professionals, health profession students, hospitals, payers, and State health departments.

''(C) APPLICATION.—To seek a grant or contract under subparagraph (A), an entity shall submit an application to the Secretary in such form, in such manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this paragraph.

''(D) CERTAIN REQUIREMENTS.—In making awards under subparagraph (A), the Secretary shall—

''(i) make awards, as practicable, to not fewer than five applicants; and

''(ii) ensure that information provided through demonstration projects under this paragraph is consistent with the best available medical information.

''(E) REPORT TO CONGRESS.—Not later than 12 months after the date of the enactment of this paragraph, and annually thereafter, the Secretary shall submit to the Congress a report that—

''(i) summarizes the activities of demonstration projects under subparagraph (A);

''(ii) evaluates the extent to which the projects were effective in increasing early detection of gynecologic cancers and awareness and knowledge of risk factors and early warning signs in the populations to which the projects were directed; and

''(iii) identifies barriers to early detection and appropriate treatment of such cancers.''.

(b) CONFORMING AMENDMENT.—Section 317P(d)(3)(A) of the Public Health Service Act (42 U.S.C. 247b–17(d)(3)(A)) is amended by inserting ''(other than paragraph (5))'' after ''this section''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. 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 in the RECORD.

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

There was no objection.

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

I rise this evening in strong support of H.R. 2941, a bill to reauthorize Johanna's law. The bill reauthorizes an existing CDC program to promote awareness and outreach of gynecological cancers among women and health care providers.

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

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

H.R. 2941, a law to reauthorize Johanna's Law, was actually signed into law at the end of the 109th Congress and directed Health and Human Services to carry out a national campaign to increase awareness of gynecological cancer.

Gynecological cancer of the female reproductive tract affected, in 2006, over 76,000 women, and 27,000 died from their disease. H.R. 2941 would authorize the Centers for Disease Control and Prevention to continue the nationwide campaign.

This bill also calls for the Secretary of Health and Human Services to award grants to nonprofit private entities to carry out demonstration projects. These projects would test outreach and education strategies to increase the awareness and knowledge of women and health care provided regarding gynecologic cancer.

I am a cosponsor of the legislation. I urge my colleagues to support it.

Mr. BURTON of Indiana. Mr. Speaker, I rise today in strong support of H.R. 2941, a bill to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers. I would like to thank the Chairman and Ranking Member of the Energy and Commerce Committee for bringing this vitally important bill to the Floor. I would also like to thank Representative ROSA DELAURO and Representative DARRELL ISSA who have been tireless champions of this bill. I am proud to have worked with them to enact the ''Gynecologic Cancer Education and Awareness Act''—also known as Johanna's Law—back in 2006; and I am proud to be a part of their efforts this year to reauthorize and enhance this program.

I first got involved in the fight against gynecologic cancer when Ms. Kolleen Stacey, a constituent of mine, who became a dear, dear friend, told me about her personal battle with ovarian cancer—the deadliest of the gynecological cancers. Kolleen told me about Johanna's Law, convinced me to become a co-sponsor; and she never stopped pushing me to get the bill signed into law; because she never wanted any other woman to go through what she was going through.

It took more than two years and a lot of hard work but in 2006, Johanna's Law became law and this country took a huge step forward towards fulfilling Kolleen's dream. On July 10, 2009, Kolleen tragically lost her fight with ovarian cancer. But I know that she is looking down on us today and smiling because her dream lives on in our actions today. God bless you Kolleen.

The American Cancer Society estimates that about 21,880 new cases of ovarian cancer will be diagnosed and 13,850 deaths are expected to be caused by ovarian cancer in the United States in 2010 alone. For the State of Indiana, The American Cancer Society estimates that in 2010, 450 women will be diagnosed with ovarian cancer and 300 women will die of ovarian cancer.

This is a tragedy. Research shows that many of those deaths could be prevented if more women knew the risk factors and recognized the early symptoms of gynecologic cancers so that they could discuss them with their doctors. Ovarian cancer has a 93 percent five-year survival rate if detected in Stage One and only a 27 percent survival rate if detected in Stage Three or Four.

Yet, the majority of women and medical professionals are unaware of the symptoms of ovarian cancer. Women can go undiagnosed or misdiagnosed for years, like Kolleen Stacey. Just over five years ago on September 5, 2005, Kolleen testified before Congress about the need for legislation for added awareness and education on gynecological cancers. ''It took an entire year for me to be diagnosed correctly. By then the cancer was Stage IIIC, an advanced stage of ovarian cancer with only a 38 percent chance of complete cure. Had it been discovered in an early stage, I would have had a 90 percent chance of complete cure.''

That is why, in December 2006, Congress passed Johanna's Law, named for Johanna Silver Gordon, who lost her life to ovarian cancer despite being a health conscious woman who visited the gynecologist regularly. Like many women, Johanna had symptoms of ovarian cancer that were missed by both her and her healthcare provider.

Johanna's Law authorized the Centers for Disease Control to create a gynecologic cancer awareness campaign aimed at educating women and health care providers about the signs and symptoms of gynecologic cancers—bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, and urinary symptoms (urgency or frequency). The campaign, Inside Knowledge: Get the Facts About Gynecologic Cancer, seeks to raise awareness of the five main types of gynecologic cancer: ovarian, cervical, uterine, vaginal and vulvar. To date, the Inside Knowledge campaign has supported many activities, including the development of:

Cancer-specific fact sheets about gynecologic cancers in both English and Spanish,

A comprehensive gynecologic cancer brochure,

Formative research and concept testing using focus groups to better understand the target audience,

Materials for primary care and health care professionals, and

Print and broadcast Public Service Announcements (PSAs).

All materials created through Johanna's Law have been sent to television, radio and print outlets around the country. The CDC is tracking the airing of PSAs and audience impressions. The CDC is also reaching out to groups, encouraging the use of the materials.

We still have a long way to go but Johanna's law is making a difference. Doctors, nurses and cancer survivors agree—providing more information about gynecologic cancers saves women's lives.

H.R. 2941 reauthorizes and enhances this critically important awareness campaign. This legislation provides for the continuation of the education campaign started by the Centers for Disease Control and Prevention to increase the awareness and knowledge of health care providers and women with respect to gynecological cancers. It also enhances cooperation with non-governmental organizations carrying out complementary education and awareness campaigns.

H.R. 2941 is a good bill, it is good public policy. I urge my colleagues to support this bill, and I urge our colleagues in the Senate to act quickly and move this critically needed legislation to the President's desk for his signature. This is literally a matter of life and death.

Mr. LEVIN. Mr. Speaker, I rise to urge the passage of H.R. 2941, to renew and enhance ''Johanna's Law'' to increase public awareness and knowledge of gynecological cancers. I am pleased to have introduced this important bill with Representatives DELAURO, ISSA, and BURTON.

Johanna's Law established a national public information campaign to educate women and health care providers about the risk factors and early warning signs of gynecologic cancers. This bill before the House carries on that important work by extending funding of Johanna's Law for 3 more years, from 2011 to

2014, and providing funds for demonstration projects to identify the most effective educational tools.

The law was named after Michigan resident Johanna Silver Gordon, a loving mother and dedicated public school teacher, who, despite visiting her doctor regularly, was blindsided by a late stage diagnosis of ovarian cancer, learning only after her diagnosis that the symptoms she had been experiencing were common symptoms of that disease. Tragically, Johanna lost her life to ovarian cancer 3½ years after being diagnosed.

Johanna's story is far too common. Although, it has been 10 years since Johanna Silver died of ovarian cancer, and 4 years since Congress passed this important legislation, each year over 71,000 women in U.S. are diagnosed with a gynecologic cancer and over 26,000 women are lost to one of these serious cancers. Many of those deaths could be prevented if more women knew and recognized the early symptoms of gynecologic cancers and received prompt treatment. For all gynecological cancers, early detection dramatically improves a woman's chance of survival. For instance, ovarian cancer causes more deaths in women than any other gynecological cancer; however, it has a 90 percent survival rate if detected in Stage One, but only a 20 percent survival rate if detected in Stage Three or Four.

Right now, awareness, education, early diagnosis, and treatment are the most effective weapons we have in our war against gynecological cancers. I urge my colleagues to support Johanna's Law so we can prevail in our battle against these terrible cancers that cut short the lives of our mothers, daughters, sisters, wives, partners and friends. I urge the House to join me in voting for this vital legislation.

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

Mr. PALLONE. I yield back the balance of my time and urge passage of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 2941, 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. BURGESS. 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.

BIRTH DEFECTS PREVENTION, RISK REDUCTION, AND AWARENESS ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5462) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5462

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 ''Birth Defects Prevention, Risk Reduction, and Awareness Act of 2010''.

SEC. 2. BIRTH DEFECTS PREVENTION, RISK REDUCTION, AND AWARENESS.

(a) PROGRAM.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by inserting after section 317T (42 U.S.C. 247b–22) the following new section:

''SEC. 317U. BIRTH DEFECTS PREVENTION, RISK REDUCTION, AND AWARENESS.

''(a) GRANT PROGRAM.—The Secretary shall establish and implement a birth defects prevention and public awareness program to award grants to States or organizations for the provision of pregnancy and breastfeeding information services.

''(b) PREFERENCE.—In the case of States or organizations that are otherwise equally qualified, the Secretary, in awarding a grant under this section, shall give preference to—

''(1) States that made pregnancy and breastfeeding information services available on January 1, 2006; and

''(2) organizations that will provide pregnancy and breastfeeding information services in such States.

''(c) MATCHING FUNDS.—The Secretary may only award a grant under this section to a State or organization that agrees, with respect to the costs to be incurred in carrying out the grant activities, to make available (directly or through donations from public or private entities) non-Federal funds toward such costs in an amount equal to not less than 25 percent of the amount of the grant.

''(d) COORDINATION.—The Secretary shall ensure that activities carried out using a grant under this section are coordinated, to the maximum extent practicable, with other birth defects prevention and environmental health activities of the Federal Government, including activities carried out by the Health Resources and Services Administration and the Centers for Disease Control and Prevention with respect to pediatric environmental health specialty units and children's environmental health centers.

''(e) EVALUATION.—In furtherance of the program established under subsection (a), the Secretary shall provide for an evaluation of pregnancy and breastfeeding information services to identify efficient and effective models of—

''(1) providing information;

''(2) raising awareness and increasing knowledge about birth defects prevention measures;

''(3) modifying risk behaviors; or

''(4) other outcome measures as determined appropriate by the Secretary.

''(f) PREGNANCY AND BREASTFEEDING INFORMATION SERVICES DEFINED.—For purposes of this section, the term 'pregnancy and breastfeeding information services' includes only—

''(1) information services to provide accurate, evidence-based, clinical information regarding maternal exposures during pregnancy or breastfeeding that may be associated with birth defects or other health risks to an infant that is breastfed, such as exposures to medications, chemicals, infections, foodborne pathogens, illnesses, nutrition, or lifestyle factors;

''(2) the provision of accurate, evidence-based information weighing risks of exposures during breastfeeding against the benefits of breastfeeding; and

''(3) the provision of information described in paragraph (1) or (2) through counselors, Web sites, fact sheets, telephonic or electronic communication, community outreach efforts, or other appropriate means.

''(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $4,500,000 for fiscal year 2012, $5,500,000 for fiscal year 2013, $6,500,000 for fiscal year 2014, $7,500,000 for fiscal year 2015, and $8,500,000 for fiscal year 2016.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. 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 in the RECORD.

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

There was no objection.

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

Mr. Speaker, H.R. 5462, the Birth Defects Prevention, Risk Reduction and Awareness Act, would establish a program to award grants for evidence-based clinical information to mothers and their health care professionals about exposures during pregnancy and breast feeding. I would like to thank my colleague from Connecticut (Ms. DELAURO) for her leadership on this issue and so many issues that affect mothers and children.

I reserve the balance of my time.

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

Mr. Speaker, I rise in support of H.R. 5462, the Birth Defects Prevention, Risk Reduction and Awareness Act of 2010, legislation that I authored with the gentlewoman from Connecticut (Ms. DELAURO).

This bill was developed over a period of several months with the guidance of the Centers for Disease Control. It does speak volumes that a bill can come this far in such a short period of time when we are willing to do our due diligence prior to introduction.

I have dedicated my professional career to protecting mother and child, while providing them with the most accurate information possible and the health services that they need.

People like to think that doctors have all the answers. Doctors like to think the CDC can provide all the information, but that isn't always the way it works. I can't tell you the number of times that women came into the

hospital, usually late at night, because she was concerned about the health of her baby. Maybe it was because of something she had done, maybe she just had concerns. But this type of unnecessary utilization can be reduced by education, particularly among populations that may not have had the same level of health literacy as to how this could have happened.

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H.R. 5462 will provide mothers with up-to-date, evidence-based information through services designed to do targeted research. We have such a service in Texas. I used them when I was in practice. Ideally, they should be serving at least 4 percent of our pregnant population but are only able to serve up to 3,000 persons today. Those cases are important, but I know we can do better.

Many women with chronic diseases may discontinue or reduce medications when they become pregnant due to fears about the risk of birth defects. In fact, in many cases the medications cause a lower risk of birth defects than the failure to treat and appropriately manage the underlying disease during pregnancy.

Pregnancy risk information services provide information and expert consultation to pregnant women and their health care providers regarding exposures to medications, chemicals, illicit drugs, alcohol, infections, and illness that may pose a risk of birth defects. These services also provide information on exposures during breast-feeding. The information provided reduces unnecessary concern about perceived and nonexistent risk and ensures that women stay on the path to a healthy pregnancy.

Currently, Federal agencies are only able to provide awareness and information about pregnancy and breast-feeding issues. They do not provide pregnancy and breast-feeding exposure risk assessment, education, and counseling.

This legislation will establish a grant program to revitalize the Nation's network of pregnancy risk information services. This will help save health care costs by avoiding unnecessary doctor visits and reducing the cost of treating uncontrolled chronic illness when pregnant women discontinue their medications unnecessarily. I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I urge passage of the bill.

I yield back the balance of my time.

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

I just wanted to point out that this legislation has the support of the American College of Obstetrics and Gynecology, the American Academy of Pediatrics, the March of Dimes Foundation, amongst many others. I join these organizations in urging my support for this legislation.

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. PALLONE) that the House suspend the rules and pass the bill, H.R. 5462, 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. BURGESS. 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.

ARTHRITIS PREVENTION, CONTROL, AND CURE ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1210) to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1210

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 ''Arthritis Prevention, Control, and Cure Act of 2010''.

SEC. 2. ENHANCING PUBLIC HEALTH ACTIVITIES RELATED TO ARTHRITIS THROUGH THE NATIONAL ARTHRITIS ACTION PLAN.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 314 the following:

''SEC. 315. NATIONAL ARTHRITIS ACTION PLAN.

''(a) ESTABLISHMENT OF PLAN.—The Secretary may develop and implement a National Arthritis Action Plan (in this section referred to as the 'Plan') consistent with this section.

''(b) CONTROL, PREVENTION, AND SURVEILLANCE.—

''(1) IN GENERAL.—Under the Plan, the Secretary may, directly or through competitive grants to eligible entities, conduct, support, and promote the coordination of research, investigations, demonstrations, training, and studies relating to the control, prevention, and surveillance of arthritis and other rheumatic diseases.

''(2) TRAINING AND TECHNICAL ASSISTANCE.—

''(A) PROVISION.—Upon the request of an applicant receiving a grant under paragraph (1), the Secretary may, subject to subparagraph (B), provide training, technical assistance, supplies, equipment, or services for the purpose of aiding the applicant in carrying out grant activities and, for such purpose, may detail to the applicant any officer or employee of the Department of Health and Human Services.

''(B) CORRESPONDING REDUCTION IN PAYMENTS.—With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the grant under paragraph (1) to the applicant involved by an amount equal to the costs of detailing personnel (including pay, allowances, and travel expenses) and the fair market value of any supplies, equipment, or services provided by the Secretary.

''(3) ARTHRITIS PREVENTION RESEARCH AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION.—The Secretary may provide additional grant support under this subsection to encourage the expansion of research related to the prevention and management of arthritis at the Centers for Disease Control and Prevention.

''(4) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means a public or private nonprofit entity that demonstrates to the satisfaction of the Secretary, in the application described in subsection (e), the ability of the entity to carry out the activities described in paragraph (1).

''(c) EDUCATION AND OUTREACH.—

''(1) IN GENERAL.—Under the Plan, the Secretary may coordinate and carry out national education and outreach activities, directly or through the provision of grants to eligible entities, to support, develop, and implement education initiatives and outreach strategies appropriate for arthritis and other rheumatic diseases.

''(2) INITIATIVES AND STRATEGIES.—Initiatives and strategies implemented under paragraph (1) may include public awareness campaigns, public service announcements, and community partnership workshops, as well as programs targeted to businesses and employers, managed care organizations, and health care providers.

''(3) PRIORITY.—In carrying out paragraph (1), the Secretary—

''(A) may emphasize prevention, early diagnosis, and appropriate management of arthritis, and opportunities for effective patient self-management; and

''(B) may give priority to reaching high-risk or underserved populations.

''(4) COLLABORATION.—In carrying out this subsection, the Secretary shall consult and collaborate with stakeholders from the public, private, and nonprofit sectors with expertise relating to arthritis control, prevention, and treatment.

''(5) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means a public or private nonprofit entity that demonstrates to the satisfaction of the Secretary, in the application described in subsection (e), the ability of the entity to carry out the activities described in paragraph (1).

''(d) COMPREHENSIVE STATE GRANTS.—

''(1) IN GENERAL.—Under the Plan, the Secretary may award grants to eligible entities to provide support for comprehensive arthritis control and prevention programs and to enable such entities to provide public health surveillance, prevention, and control activities related to arthritis and other rheumatic diseases.

''(2) APPLICATION.—The Secretary may only award a grant under this subsection to an eligible entity that submits to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary may require, including a comprehensive arthritis control and prevention plan that—

''(A) is developed with the advice of stakeholders from the public, private, and nonprofit sectors that have expertise relating to arthritis control, prevention, and treatment that increase the quality of life and decrease the level of disability;

''(B) is intended to reduce the morbidity of arthritis, with priority on preventing and controlling arthritis in at-risk populations and reducing disparities in arthritis prevention, diagnosis, management, and quality of care in underserved populations;

''(C) describes the arthritis-related services and activities to be undertaken or supported by the entity; and

''(D) demonstrates the relationship the entity has with the community and local entities and how the entity plans to involve such community and local entities in carrying out the activities described in paragraph (1).

''(3) USE OF FUNDS.—An eligible entity may use amounts received under a grant awarded under this subsection to conduct, in a manner consistent with the comprehensive arthritis control and prevention plan submitted by the entity in the application under paragraph (2)—

''(A) public health surveillance and epidemiological activities relating to the prevalence of arthritis and assessment of disparities in arthritis prevention, diagnosis, management, and care;

''(B) public information and education programs; and

''(C) education, training, and clinical skills improvement activities for health professionals, including allied health personnel.

''(4) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means a State or an Indian tribe.

''(e) GENERAL APPLICATION.—The Secretary may only award a grant under subsection (b) or (c) to an entity that submits to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary may require, including a description of how funds received under a grant awarded under such subsection will supplement or fulfill unmet needs identified in a comprehensive arthritis control and prevention plan of the entity.

''(f) DEFINITIONS.—For purposes of this section:

''(1) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act.

''(2) STATE.—The term 'State' means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) for fiscal year 2012, $14,600,000;

''(2) for fiscal year 2013, $16,000,000;

''(3) for fiscal year 2014, $17,700,000;

''(4) for fiscal year 2015, $19,400,000; and

''(5) for fiscal year 2016, $21,400,000.''.

SEC. 3. ACTIVITIES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WITH RESPECT TO JUVENILE ARTHRITIS AND RELATED CONDITIONS.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

''SEC. 409K. JUVENILE ARTHRITIS AND RELATED CONDITIONS.

''(a) IN GENERAL.—The Secretary, in coordination with the Director of NIH, may expand and intensify programs of the National Institutes of Health with respect to research and related activities designed to improve the outcomes and quality of life for children with arthritis and other rheumatic diseases.

''(b) COORDINATION.—The Director of NIH may coordinate the programs referred to in subsection (a) and consult with additional Federal officials, voluntary health associations, medical professional societies, and private entities, as appropriate.''.

SEC. 4. INVESTMENT IN TOMORROW'S PEDIATRIC RHEUMATOLOGISTS.

Subpart I of part C of title VII of the Public Health Service Act (42 U.S.C. 293k et seq.) is amended by adding at the end the following:

''SEC. 749A–1. PEDIATRIC RHEUMATOLOGISTS.

''In order to ensure an adequate future supply of pediatric rheumatologists, the Secretary, in consultation with the Administrator of the Health Resources and Services Administration, may award institutional training grants to institutions to support pediatric rheumatology training.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. 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 in the RECORD.

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

There was no objection.

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

I rise this evening in strong support of H.R. 1210, the Arthritis Prevention, Control, and Cure Act of 2010.

This bill provides for enhanced arthritis public health efforts at CDC, enhanced juvenile arthritis research activities at NIH, and new authorities at the Health Resources and Service Administration to support training for new pediatric rheumatologists. I urge my colleagues to support this bill.

I reserve the balance of my time.

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

H.R. 1210 would enhance our Nation's efforts to combat arthritis. I am a cosponsor of the legislation.

According to the Centers for Disease Control and Prevention, an estimated 46 million Americans have arthritis, though the number is expected to increase as the country's population ages. The Centers for Disease Control also estimates that almost 300,000 children have arthritis.

This bill will help in the fight against arthritis in the following ways:

First, the bill would authorize the Secretary of Health and Human Services to establish a national arthritis action plan.

Second, it would allow the Department of Health and Human Services to award grants for arthritis research, surveillance, and education.

Third, the bill would permit the National Institutes of Health to expand its research into children with rheumatic diseases.

Finally, the bill would allow Health and Human Services to award grants to increase the number of pediatric rheumatologists.

I have spoken with several rheumatologists who have discussed the importance of this legislation. Unfortunately, those in need of rheumatologists, especially pediatric rheumatologists, often have very few options. This bill is an important first step in addressing a critical workforce shortfall.

I am a cosponsor of the legislation, and I urge my colleagues to support the bill.

I yield back the balance of my time.

Mr. KUCINICH. Mr. Speaker, I rise in support of the Arthritis Prevention, Control, and Cure Act. It is estimated that approximately 46 million Americans suffer from arthritis or chronic joint symptoms. Of those, 19 million suffer enough to limit their activities. According to the Centers for Disease Control and Prevention (CDC), by the year 2030, 25 percent of the population in the United States will have physician-diagnosed arthritis. Those projections are likely to be low since they do now account for an expected increase attributable to rising obesity rates.

Arthritis affects the daily lives of its victims in powerful ways. The pain is often chronic and relief can be rare. The inability to kneel or even walk more than a few hundred yards requires profound changes in almost every aspect of lifestyle. Those stricken might risk losing their job, and their ability to provide for loved ones. It is a devastating disease with no known cure.

The Arthritis Prevention, Control, and Cure Act, would establish the National Arthritis Action Program. This program will help in the research and identification of ailments, possible treatments, and preventative methods of Arthritis and other rheumatic diseases. It will also allow the CDC to access more grant money, permitting them to further their research. Those already suffering from arthritis will be assisted with control and prevention programs along with opportunities for patients to learn self-management. It would also provide education of the public and education and training for physicians.

I am proud to support this bill as an important first step toward a day when we can prevent, treat, and cure Arthritis.

Ms. ESHOO. Mr. Speaker, I rise today in strong support of my legislation, H.R. 1210, the Arthritis Prevention, Control, and Cure Act. I have fought long and hard for this bill alongside the Arthritis Foundation, the American College of Rheumatology, and the thousands of advocates across the country who understand how important this is. The legislation enjoys the bipartisan support of 181 Members of the House, and passed out of the Energy and Commerce Committee unanimously.

One out of every five adults suffers from arthritis, making it the most common cause of disability in the United States. More than 300,000 children suffer from juvenile arthritis. Early diagnosis for this disease is critical to ensure children get access to the right doctor and the care they need.

My bill will authorize the ''National Arthritis Action Plan,'' giving legislative direction and leadership to a program which has proven successful since 1998. The Plan distributes important grants to states and nonprofits to carry out arthritis outreach and education activities. The bill expands the Secretary of Health and Human Services' authority to increase juvenile arthritis research at NIH, and authorizes important institutional training grants to increase the number of pediatric rheumatologists in the U.S.

I'm proud of the work I've done to raise awareness about the devastating effects of arthritis but I'm far prouder of the tireless work of the arthritis advocates who have walked these halls, called their Representatives, and shared their stories. Their grassroots efforts are at the heart of this bill and I'm so pleased we could work on this together.

Passage of the Arthritis Prevention, Control, and Cure Act is also a tribute to my friend, Senator Edward Kennedy, as we introduced this legislation together in the 110th Congress. His commitment to public health, improving care for children, and ending suffering are the principles which guided everything he did and I know he's looking down on us today and smiling.

Mr. PALLONE. I urge passage 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 New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1210, 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. BURGESS. 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.

DENTAL EMERGENCY RESPONDER ACT OF 2010

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 903) 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, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 903

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 ''Dental Emergency Responder Act of 2010''.

SEC. 2. DENTAL EMERGENCY RESPONDERS: PUBLIC HEALTH AND MEDICAL RESPONSE.

(a) NATIONAL HEALTH SECURITY STRATEGY.—Section 2802(b)(3) of the Public Health Service Act (42 U.S.C. 300hh–1(b)(3)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''and which may include dental health facilities'' after ''mental health facilities''; and

(2) in subparagraph (D), by inserting ''(which may include such dental health assets)'' after ''medical assets''.

(b) ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.—Section 319F(a)(5)(B) of the Public Health Service Act (42 U.S.C. 247d–6(a)(5)(B)) is amended by striking ''public health or medical'' and inserting ''public health, medical, or dental''.

SEC. 3. DENTAL EMERGENCY RESPONDERS: HOMELAND SECURITY.

(a) NATIONAL RESPONSE FRAMEWORK.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by inserting ''and dental'' after ''emergency medical''.

(b) NATIONAL PREPAREDNESS SYSTEM.—Subparagraph (B) of section 653(b)(4) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 753(b)(4)) is amended by striking ''public health and medical'' and inserting ''public health, medical, and dental''.

(c) CHIEF MEDICAL OFFICER.—Paragraph (5) of section 516(c) of the Homeland Security Act of 2002 (6 U.S.C. 321e(c)) is amended by striking ''medical community'' and inserting ''medical and dental communities''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. 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 in the RECORD.

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

There was no objection.

Mr. PALLONE. Mr. Speaker, I would like to include in the RECORD an exchange of letters between Chairman WAXMAN and Chairman THOMPSON, who is chairman of the Homeland Security Committee, regarding this legislation.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, September 24, 2010.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce, Rayburn Bldg., House of Representatives, Washington, DC.

DEAR CHAIRMAN WAXMAN: I write to you regarding H.R. 903, the ''Dental Emergency Responder Act of 2009.''

H.R. 903 contains provisions that fall within the jurisdiction of the Committee on Homeland Security. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of Homeland Security conferees during any House-Senate conference convened on this or similar legislation. I also ask that a copy of this letter and your response be included in the legislative report on H.R. 903 and in the Congressional Record during floor consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 24, 2010.

Hon. BENNIE THOMPSON,
Chairman, Committee on Homeland Security, Ford House Office Building, Washington, DC.

DEAR CHAIRMAN THOMPSON: Thank you for your letter regarding H.R. 903, the ''Dental Emergency Responder Act.'' The Committee on Energy and Commerce recognizes that the Committee on Homeland Security has a jurisdictional interest in H.R. 903, and I appreciate your effort to facilitate consideration of this bill.

I also concur with you that forgoing action on the bill does not in any way prejudice the Committee on Homeland Security with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 903 in the Committee report on H.R. 903 and in the Congressional Record during floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on Homeland Security as the bill moves through the legislative process.

Sincerely,

HENRY A. WAXMAN,
Chairman.

I yield myself such time as I may consume.

I rise this evening in strong support of H.R. 903, the Dental Emergency Responder Act of 2010. This bill amends the Public Health Service Act to include dentists in the national health security strategy, which is the strategy HHS develops to respond to a public health emergency. And I would particularly like to thank Representative STUPAK for all his work on this bill. I urge my colleagues to support this bill.

I reserve the balance of my time.

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

H.R. 903 would allow the Department of Health and Human Services to utilize dentists and dental facilities to respond to medical emergencies. The bill amends the Homeland Security Act of 2002 to include dental personnel within the definition of ''emergency response providers.'' Mr. Speaker, there has been uncertainty as to whether dental providers could be considered emergency response providers.

This bill also requires the Chief Medical Officer of the Department of Homeland Security to serve as the Department's primary point of contact for the dental community with respect to medical and public health matters related to natural disasters, acts of terrorism, and other manmade disasters.

Finally, the bill amends the Post-Katrina Emergency Management Reform Act of 2006 to allow, if necessary,

operational plans developed by Federal agencies with responsibilities under the National Response Plan to address preparedness and deployment of dental resources.

This bill was drafted to ensure that Congress was not being prescriptive as to how the Department of Health and Human Services or the Department of Homeland Security should plan for medical emergencies. The bill provides these Departments increased flexibility to utilize additional professional expertise and capacity, if they feel it is appropriate. This is just common sense. The fact that today the Department of Homeland Security could not talk to a dental school where it is decided it would be an ideal place to stockpile materials like vaccines but could if it was a medical school is just absurd.

If these facilities can aid our national defense, or if dentists want to be included in our Nation's post-disaster response, the fact that the government felt constrained to include them is a gross oversight that this bill corrects. I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I would also like to include in the RECORD an exchange of letters between Chairman WAXMAN of my committee and Chairman OBERSTAR of the Transportation and Infrastructure Committee that pertains to this legislation.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
Washington, DC, September 28, 2010.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN WAXMAN: I write to you regarding H.R. 903, the ''Dental Emergency Responder Act of 2009''.

H.R. 903 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding that my decision to forgo a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 903.

Further, the Committee on Transportation and Infrastructure reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I ask for your commitment to support any request by the Committee on Transportation and Infrastructure for the appointment of conferees on H.R. 903 or similar legislation.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure's jurisdictional interest in the Congressional Record during consideration of the measure in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 28, 2010.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN OBERSTAR: Thank you for your letter regarding H.R. 903, the ''Dental Emergency Responder Act.'' The Committee on Energy and Commerce recognizes that the Committee on Transportation and Infrastructure has a jurisdictional interest in H.R. 903, and I appreciate your effort to facilitate consideration of this bill.

I also concur with you that forgoing action on the bill does not in any way prejudice the Committee on Transportation and Infrastructure with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 903 in the Congressional Record during floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on Transportation and Infrastructure as the bill moves through the legislative process.

Sincerely,

HENRY A. WAXMAN,
Chairman.

Mr. Speaker, I urge passage 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 New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 903, 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.

□ 2250

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

POSSIBLE LEGISLATION FOR CONSIDERATION DURING LAME DUCK SESSION OF CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GOHMERT. Mr. Speaker, it is always an honor to be here. We have had quite a day of different suspension bills. It has been an interesting day all the way around. Also I was honored to have a visit from the new president of Baylor University, a man named President Ken Starr. I think he will do a great deal of good for Baylor University. In fact, I am wearing a green and gold tie in his honor and in honor of the school where I got my law degree.

A lot has been going on. We haven't had time to take up the issue of extending the current tax rates for another year so businesses could be sure about what is going to be happening, so they could go ahead and make plans, go ahead and make those additional hires, take those folks off the unemployment rolls because they would finally know what the future holds in the way of taxes. But that was not to be. No, instead we have taken up 85, reduced by one, 84 suspension bills, all done today in a bipartisan manner. And it does bring to the fore the question as to why couldn't we do the same thing in a bipartisan way to help the economy?

We are hearing over and over from business people, there is so much uncertainty. If we are really going to have this massive tax increase come January 1, we have got to hunker down and get ready. We may have to let some more people go so we can pay the additional tax burden that the Federal Government is going to lay on us.

They made clear if we are going to pass what the well-respected on both sides of the aisle former chairman of Energy and Commerce, Mr. DINGELL, called not just a tax, but a great big tax, the crap-and-trade bill, if that is still looming out there, then that is a potential albatross around the neck of employers. They need to move forward. But Mr. DINGELL is exactly right; it is a great big tax. It is still looming out there. It is still a threat to be taken up in a lame duck session.

In fact, the lame duck session, after the election in November, could be devastating to our economy, as if we haven't already done enough. We have got not only the crap-and-trade bill looming and being threatened as a potential lame duck session bill in which Members of Congress would be asked to vote who had already lost their jobs on election day, but we got other bills hanging out there that some have said they would like to see come up during a lame duck session.

One such bill is on the other side of the aisle affectionately known as ''card check,'' which is really intriguing. Card check is quite a misnomer, because it would provide for the elimination of secret ballots in union elections, in deciding whether a group were to go union or not.

I was intrigued. In the last Congress we were voting on card check, and the majority leader of the House of Representatives, the Honorable STENY HOYER, came down this aisle right over here. And I was standing over there,

and I said, ''Leader?'' He turned around and said, ''Yes?''

I said, ''The rumor is you are going to vote against your party, and you are going to vote against card check.'' He said, ''Well, the odds of that happening are infinitesimal.'' He has a great sense of humor.

I pointed out, ''Well, it is just that everybody on the floor knows that if it were not for the secret ballot, John Murtha would have been elected majority leader.'' And he just laughs, ''Oh, you are so funny.'' He moved on.

But the truth is, the Speaker of the House, she said she wanted John Murtha to be the majority leader. And we have already seen that this Speaker of the House is amazing at the wielding of power. She has been far more effective at the wielding of power, both with carrots and sticks, to get things done than our Speaker was my first 2 years here, in 2005–2006. She knows how to wield power.

She said she wanted John Murtha to be majority leader, and yet STENY HOYER of Maryland won the election. Why? Because there was a secret ballot, and the will of the Democratic Party here in the House was that STENY HOYER be the majority leader. So because of the secret ballot, because there had been no card check bill that had been rammed through to change the rules in the House of Representatives, here in the House of Representatives there was still a secret ballot.

Now, when I was growing up in Mount Pleasant, Texas, I went through public schools, and I am pretty sure most of my teachers I had voted in the Democratic primary, voted for Democratic candidates. And I had some wonderful teachers. They inspired me. They instilled in me that the secret ballot is such a foundational block of any society that wants to have free elections that to withdraw that would bring the whole political building down, would subject you to a tyranny.

So it is absolutely staggering that people who would come in here and be protected with secret ballots in their own party elections would not grant that same right. Actually, they don't have the power to grant the rights; those are given by God. But they have the power to prevent people from enjoying the rights that were bestowed on us through our Constitution and with the grace of almighty God.

We are endowed by our Creator with certain inalienable rights. Apparently the President left out the Creator. It is understandable. When you rely heavily on teleprompters, as our President does, it is understandable that sometimes you just read past things, and certainly the person who fills in his teleprompter with the information would not have left that important part of the Declaration of Independence out.

□ 2300

We are endowed by our Creator, because if it were otherwise, if we were endowed by the government with inalienable rights, then the government could certainly take them away anytime they wished.

Yet, we go back to the founding of this country, to the time when those people gathered together and gave us the foundation of what we have grown from and grown into as this fantastic Republic, the greatest country in the history of the world. As Tony Blair recently said and as another member of Parliament said this week: this is an extraordinary country like no other in history, and we have so much to be proud of.

I know there are those who have only recently been proud of America, but when you study its accurate and true history so thoroughly, there is so much to be proud of, and the Founders could see that. They had the vision. Proverbs tells us: Where there is no vision, the people perish. Yet those Founders had vision for the future. They stood firmly on eternal truths.

One example is Peter Muhlenberg. Now, since the 1950s, Lyndon Johnson had gotten a tag into the Internal Revenue Code, which for the first time since our country's inception said, If you're a terrible institution as designated by the Internal Revenue Code, you cannot get involved in politics.

That was new and different because, for over 170 years, it was the churches that were behind the most important movements, one of which was the Declaration of Independence. Before that, you had the Virginian Commonwealth laws that were put together. You later had the Northeast Ordinances. There was so much that the churches pushed forward.

Peter Muhlenberg was a minister, a Christian minister, and he had already talked to Washington. Washington had made him a colonel, unbeknownst to Muhlenberg's congregation there in Pennsylvania. He was preaching that Sunday, in his black ministerial robe, and he was preaching from Ecclesiastes 3: ''There is a time to every purpose under Heaven.'' When he got down to verse 8, he recited the words in the last half of Ecclesiastes 3:8: ''There is a time for war and a time for peace.''

That is when Muhlenberg took off his black ministerial robe, as he is depicted doing in the statue here in the Capitol. Underneath, he had on a Revolutionary officer's uniform, including the saber. He had been carrying that saber around, wearing that and the uniform underneath his robe. Then he said, in essence: ''Ladies and gentlemen, now is the time for war,'' because they believed they were endowed by their Creator with certain inalienable rights, and those were things worth fighting for.

When you read those Founders' letters and their diaries and journals, when you read their speeches and their writings, you find out they knew they were on to something that would be something new, a new order of things, a new order of the ages. That's why the great seal has ''Novus Ordo Seclorum'' at the bottom, underneath the one side. In fact, it's on the back of everyone's dollar bills. This was a new order of the ages, a new order of things—not a new world order. This was a new order of the ages, a new order of things where people would get to govern themselves. For so long, this country has borne out the old adage that democracy ensures people are governed no better than they deserve.

That was one of the hardest things for me to come to grips with in the 1990s. As a Nation, like it or not, we had what we deserved as a Nation. In fact, in every election, from the beginning of this country, whether we have liked it or not, regardless of which party has been in power, we have gotten what we deserved.

I do not seek to ever use my position to force my religious beliefs on others; but when I was a judge, I was required to discern whether or not the people who claimed disqualifications had legitimate disqualifications from jury duty. I was struck over and over because I had Christians who would come up and say, I cannot sit on jury duty. I'm disqualified because I'm a Christian.

I would explain to them, I'm not seeking to change your religious beliefs, but I need to find out exactly whether or not you're disqualified for religious reasons or whether this is just a personal preference. So I would have to inquire, Does this mean you believe what is in the Old and New Testaments?

Well, Of course, I would be told.

Well, does that mean you believe it to be true when Jesus said, in Matthew, if you say ''rock eye'' to your brother, you'll answer to the courts?

Now, the verse was mainly about answering to the Father in Heaven for what's in your heart, but Jesus knew that, in an orderly society, there would have to be some form of government which would hold people accountable.

They would say, generally, Yes, I believe that.

You know, over in Romans 13, it makes it clear that, if you believe the Romans is supposed to be part of the New Testament and if you said you're a Christian, do you believe that Romans is and that Romans 13 is valid as part of your belief system?

They would normally say, Well, yes, of course.

Well, then, you have to believe that in Romans 13 God has basically ordained any government for good or bad and that in Romans 13:4 it points out: ''If you do evil, be afraid,'' because God does not give the sword to the government in vain.

The government is God's minister to avenge evil, to reward good deeds, and of course, in our Constitution, it is to provide for the common defense. But I would ask the people who would come forward as Christians if those were their beliefs, if they believed those things in Romans, so I could try to make the judgment as to whether or not they were disqualified as jurors.

The response was normally, Of course.

I was in a position to point out, Then if you understand our history, you believe, then you understand, as a called juror, you've been given the sword. If you believe Romans 13, then when you're called for jury duty, that sword has been placed in your hand, and you're expected to come forth and administer and to make sure that people who have not done evil don't get punished and to make sure that those who have done evil are to be afraid, because they will be punished as they, as the jurors called forward, are the government.

In fact, the Founders believed that the people would be the government and that every so often there would be a day in which the people, as the government, would come forward. They would say, We are going to hire new folks to carry out our will. We the people, as the government, will hire people to do what we tell them for the next 1, 2, 4, 6 years. Over the years, we've been told even still that the most widespread religion in America which people in polling data indicate is Christianity.

□ 2310

If they believe the Founders and they truly believe the Old and New Testament, they have to understand they're the government. They have been given—in fact, we all as American citizens have been given—the source.

Now, all of those in this body are hired public servants. We get hired every other year. The government, we the people, the government have the right to fire us every other year. And as the government, if you truly believe the responsibility is to carry out your duties as the government in the most effective and efficient manner possible, well, that would require coming out on hiring and firing day to see that the best people got elected, because when people stay home, they get what they deserve on hiring day. When people come out and vote, they get what they deserve on hiring and firing day. And when people don't bother to educate themselves on who all has applied to be the public servant to get hired on hiring day, then they're not carrying out their duties as a proper government.

When people know that they would be a better candidate and be a better public servant, then it's their obligation under our founding documents, under the concepts on which this Nation was based, to step forward and run for office or to help others as they run for office, if they know they would be the best person to fill the job of public servant. But we have forgotten what role who plays. The people are the government. We're the public servants. And all too often that gets forgotten.

Of course, Peter Muhlenberg, Peter Muhlenberg's brother Frederick, there are stories that he was not very pleased that his brother Peter had recruited from his church, because he recruited from the church. He got people there in his congregation to join the Army with him and recruited from the town, and they all came to the Army together. And there were stories Frederick wasn't that pleased with what Peter did from the pulpit.

There were other stories that when Frederick's church was burned down, that he did likewise. He recruited. He joined the revolutionary forces and helped defeat the British, and, in fact, the Christian minister named Frederick Muhlenberg was the first Speaker of the House of Representatives.

We also know that behind the abolitionist movement was the churches. There were many right-thinking people, but the primary groups were the churches; because when they really studied New Testament principle, they worried and feared that how could God continue to bless America when we're putting our brothers and sisters in chains and bondage, and they fought it. And Abraham Lincoln, so troubled by that battle, and, in fact, after he was defeated for a second term in the House of Representatives in 1848, new person took office early 1849, stories were that he did not plan to ever run again.

But stories that John Quincy Adams had told and sermons basically that John Quincy Adams preached just down the hall on the evils of slavery and pleading with his colleagues to end the blight against America called slavery, those fell not on deaf ears but on a young freshman's ears, Abraham Lincoln, between the time he was sworn in in early 1847 to the time his successor was sworn in in early 1849.

1850 brought about the compromise of 1850. Other States were going to be coming in. They were going to be allowed to have slavery. This ate away at Lincoln because he knew, and those sermons John Quincy Adams preached on the floor of the House just ate away at him. We could not continue to go forward without stopping this terrible sin called slavery in America. He knew that was no way to treat brothers and sisters.

And eventually he got back into politics, ran again as we know. Of course, got defeated by Stephen Douglas for the Senate but later elected in 1860 to be President. There's some historians who say that when Lincoln's son died, he believed it was God blaming him; because he knew when he got elected President that was ordained by God so that he could bring an end to slavery, and he waited too long to do that. There's always different versions of different historians, but that is one version of history, that Lincoln blamed himself when his son died, that he should have immediately sought to end slavery. But as the States started seceding from the Union, he felt, Okay, I will hold the Union together, and then I will end slavery.

But he carried a heavy heart as President of the United States, as a Christian, and his second inaugural address that's inscribed on the north inside wall of the Lincoln Memorial is so profound, and it is an intellectual giant dealing with theology and this issue of how could a just God allow so much injustice and so much hate and war. And he goes through, deals with the issue, and ultimately says we have to proclaim God is righteous all together.

We have an extraordinary history. Who was it that inspired Dr. Martin Luther King, Junior, to push for civil rights for everyone? Some people think, well, all he did was make sure that African Americans were treated like others, like everybody else, that he fought for minorities. But the truth is his theology as a Christian minister was so deep, he understood that in bringing about a society where people were judged by the content of their character, rather than the color of their skin, that he was also freeing Anglos who were Christians, many for the first time, to treat people the way a Christian brother and sister is supposed to treat another Christian brother and sister.

But that was in the 1960s, and the change of the law in the 1950s for the first time in our history saying churches could not be involved in politics had a profound effect. And then in the early 1960s, 1963, we have the Supreme Court say, you know, we're not real sure. We don't think that you should be having prayers in public schools.

And yet, it was Ben Franklin that broke the logjam after 5 weeks in the Constitutional Convention of 1787 by being recognized. He was 80 at the time. He was 2 or 3 years away from meeting his Maker. He was suffering apparently from gout, had to have help getting in and out of Independence Hall for the Constitutional Convention, but he got recognized. And he pointed out they'd been meeting for nearly 5 weeks and had accomplished basically nothing.

How does it happen, sir, he said, that we have not once thought of applying to the Father of lights to illuminate our understanding? In the beginning contest with Great Britain, when we were sensible of danger, we had daily prayer in this room. Our prayers, sir, were heard and they were graciously answered.

Franklin went on, and then he came to the point, we're told, that a sparrow

cannot fall to the ground without His notice. Is it possible an empire could rise without His aid?

□ 2320

We've been assured in the sacred writing that unless the Lord build the house, they labor in vain that build it. ''Firmly believe this,'' Franklin said. Then he said, ''I also firmly believe that without his concurring aid, we shall succeed in our political building no better than the builders of Babel.'' And he knew. This 80-year-old man in pain and suffering had a mind and wit as sharp as ever, though his body was deteriorating.

He ultimately moved that we would begin each day with prayer, led by a local minister. And from then until now, today when we start, we have a minister start with prayer. So it was staggering, in the 1960s, that the Supreme Court, as they continue to do, say, Yeah, we don't think prayer is appropriate. Well, thank goodness I had a great legal education at Baylor University, and we learned about the Constitution. We learned about the Constitution's history, and it doesn't take much digging to find exactly where it came from.

One of the things that the Founders pointed out was that ''we don't trust government.'' The people, as the government, in this new creation, this Republic, ''if we can keep it,'' as Franklin said, was going to rely on people being diligent and coming to the polls on election day, on hiring day, and making sure they hired good people to carry out the will of the government, the people. And over the years, we've lost that.

Of course they wanted, not just one legislative body, a huge House of Representatives, big for that time. And then also, that was not enough, not some just elite or social elite in another body like, a House of Lords. They wanted a group they would call the Senate, and they would have the power to nix anything that the guys in the House of Representatives did. That's what the Founders thought: We want to make it as hard as we possibly can to pass laws because when it's too easy, then you have tyranny. And that's what we've seen a great deal of lately.

We saw with the automobile bailout an auto task force. We had all these czars. We have an auto task force, unelected, unaccountable—certainly to Congress. They wouldn't tell us what went on. They wouldn't give anybody any information about the conversations that took place, who said what. And yet they come out with a bankruptcy plan that turned the bankruptcy laws upside down.

I mean, the law is supposed to mean something. There are businesses and individuals that have had to file bankruptcy, and they were forced to always play by the rules. And yet here were these automakers who got to just thumb their noses at the law. Why? Because the safeguards that were put in place by the Founders were just ignored. Well, there were checks and balances. You can't just have a czar or some task force that's unaccountable, just ignore laws and come forth with a bankruptcy plan that doesn't allow for any motions. It doesn't allow for any other alternative plans, does not allow the secured creditors to be treated as secured creditors but instead, flips them upside down so the secured creditors are treated as unsecured and the unsecured union is treated as secured.

Nobody could get away with turning the law upside down like that. We have too many other checks and balances, we thought. But not here in Washington now, we don't. And that's why this body and the Senate allowed a terribly illegal bankruptcy plan to go forward. It wasn't hard apparently to find a bankruptcy judge that would welcome the chance to avoid ever having to have months and months or years of hearings. He would just simply sign off on that because, as we know, bankruptcy judges are subject to reappointment on a regular basis. And we also know many bankruptcy judges want to be district judges and other things. So it apparently wasn't too hard to find a bankruptcy judge to sign that order, giving it color of law. This body should have struck it down. We had the power. We turned our heads. There was one hope left. That was the Supreme Court, another wonderful check and balance put in place by the Founders. Ruth Bader Ginsburg, to her credit, put a 24-hour hold on the deal that was born out of these private, secret meetings unaccountable, unelected people were having when they turned the law and the Constitution upside down.

There were takings of dealerships born out of these private, secret seedy discussions. They took property rights away from these people. Some of them still owe money at the bank today, yet their dealerships were taken away. Their security was taken away. The banks that had loaned money to buy dealerships were harmed when the dealer's dealership was taken away by this anarchy group.

But the Supreme Court let the 24 hours go, and an illegal, unconstitutional bankruptcy plan went through unimpeded. And lots of people suffered. I understand their claims, the claims being made currently, it sounds like, to me, legitimately by dealers who had a Federal taking without due process and without remuneration. It sounds like they're doing the right thing. And yet we've heard from people on the other side about how terrible the economy was that the Democrats inherited from President Bush.

When if you go back to January 3, 2007, that was the day that the Democratic majority took over the Senate and the Congress. We can just visit that day. January 3, 2007, the Dow Jones closed at 12,474.52. The GDP for the fourth quarter of 2006, we found out after election day, had grown 3 percent higher than in the third quarter. The unemployment rate was 4.5 percent. Bush's economic policies had led to 40 straight months of job creation, more jobs than were being lost. January 3, 2007, was also the day that BARNEY FRANK took over as chairman of the House Financial Services Committee and CHRIS DODD, as Senator, took over the Senate Banking Committee as chairman.

Over and over, the Bush administration had asked Congress to stop Fannie Mae and Freddie Mac, to rein it in, and to Republicans' dismay and dishonor, it was not done. It should have been. And certainly the Democratic friends across the aisle were objecting. The man who became chairman, BARNEY FRANK, was objecting. Of course we've seen the speech where he said, No, they were fine, in essence. They were fine. They were not fine. They were in big trouble, and nothing was done. It should have been.

If we look back, we will find that Fannie Mae and Freddie Mac, they weren't sitting dormantly on the side. Oh, no. They were actively involved in politics. And if you look at the period, as Open Secrets did, from 1989 to 2008 to find out who gained the most in political contributions during that period from Fannie Mae and Freddie Mac as they sought to try to entrench their futures, well the second-highest amount of contributions from Fannie Mae and Freddie Mac went to a Senator named Barack Obama.

□ 2330

Things changed, didn't they? And now we have the book come out from Mr. Woodward. Who is to know exactly what is absolute truth and what is affected by unartful memory?

As a judge, we would hear well-meaning witnesses all try to give their version of what they saw with their own eyes, and it was amazing. Eyewitnesses so often varied on details that occurred.

But Mr. Woodward has a book out. I was deeply saddened to see what he had said about President Obama's discussion with Secretary Gates, that he could either endorse the President's idea of 25 percent fewer new troops going to Afghanistan, 25 percent fewer than the military had asked for in McChrystal's report, or the President could go with what he described to Gates as a ''hope for the best'' plan of 10,000 trainers, under which Afghanistan would almost certainly be lost to the Taliban.

Woodward quotes President Obama as saying, Can you support this? And then he is quoted as saying, Because if the answer is no, I understand it, and I

will be happy it just authorize another 10,000 troops and we can continue to go as we are and train the Afghan national force and just hope for the best.

Woodward's comment was ''hope for the best.'' The condescending words hung in the air. Well, there were accounts, reports that supposedly, possibly, that McChrystal had originally orally said, We probably need 80,000 troops in Afghanistan to have as much effect as the surge in Iraq had had and to get things under control.

I am not sure if those were true, but one account was that the President, or the White House, had asked, Let's cut that down from 80 to 40 because that's more reasonable, something more doable.

But nonetheless, the request was in writing for 40,000. And the report made very clear that time was of the essence. And if we delay doing this, the whole outcome of Afghanistan could hinge within the next 12 months. And it was shocking to wait for 90 days. Thirty days, nothing happened. The President said he had been busy, been running around congratulating people all over the country. Kind of like in here. We don't have time to help the economy by assuring people and businesses we will keep the same tax rate for at least the next year or so. Oh, no. We had to do 84 suspension bills on various things today. No time to help the economy, though, by assuring businesses and people their taxes will not have the biggest increase in American history, which looms as of January 1.

But anyway, 30,000 troops were authorized. And it's a shame if that ends up being true, that President Obama told Gates, either go along with the 30,000, 25 percent less than McChrystal said were absolutely essential to having a chance, the best chance to defeat the Taliban, and to win in Afghanistan.

But the trouble is, my friend, DANA ROHRABACHER, had let me know this past summer that there were some members of the northern alliance that we called upon, some call them warlords, tribal groups, who we had allied ourselves with when we first went into Afghanistan. We let them do most of the fighting, and they were able to defeat the Taliban. We provided weaponry and consultants, trainers, and they were able to defeat the Taliban.

But then, as Afghanistan languished, the Taliban has made a resurgence. And there were stories that these people with the northern alliance, these leaders had heard that the United States was indirectly negotiating with Pakistan and with Karzai, as the leader of Afghanistan, and indirectly with the Taliban, basically, if you'll just let us out next summer and not make a fuss, you can have the country. You guys can work it out. That was what the northern alliance people were hearing.

And what I didn't know until we met with a number of those leaders, these are brave warriors. These are brave fighters. But they were concerned for themselves and more so for their families and for those who looked to them for leadership, because what I didn't know was that after they had defeated the Taliban to help us, we demanded that they disarm and basically said, you know, you can count on us. You know, the Taliban's been defeated. You can disarm now. That's the only way to peace. And don't worry, we are around to make sure that the Taliban won't be back. They won't be bothering you. You defeated them. We are here. We will see that nothing bad happens.

So they disarmed. And they said they really did. They trusted the United States, their ally.

And now, the Taliban making this resurgence, because McChrystal didn't get the soldiers he asked for, and although the President said that is the war, that's where Bush is messing up, he didn't make that the central war. This President has not done any better and, instead, has announced to our enemies, not in so many words, but it's something any enemy would get. When you say we're going to pull out next summer, it tells the enemy, if you can just hang on until next year, then you win.

And lest we forget, the Taliban was behind the training and the planning of 9/11 and the killing of 3,000 Americans. How quickly we have forgotten. Have you forgotten? Have we forgotten?

They killed 3,000 people, and now we are going to let them—we are going to walk away from Afghanistan and let them have a stronghold there. And the northern alliance knows what that means. It means that they and their families are dead. Our allies will be dead.

It isn't hard to figure out, if you're out there in the world, and United States representatives say, you can trust us, be our ally, you'd want to say, well, no, no thank you very much. I have seen what you have done to your allies. I have seen what your best friend, Israel, has had happen to them and the pressure you have put on them not to defend themselves, to give away part of their country; to keep giving away unilaterally, when there is nothing being brought to the bargaining table by the other side. Yeah, we have seen what you have done to your allies.

We saw how you voted to demand Israel show off their weaponry, just like Hezekiah did as king of Israel when he showed the weaponry to Babylonian leaders. And for that, Isaiah said, in essence, you fool. Because you have done this you will lose it all.

You don't show your enemies all of your defenses. You don't do that. And you don't make your friends do that either. You don't make your friends give away their ability to conventionally defend themselves like we have been putting pressure on Israel to do.

And now, with Afghanistan. I don't know what the answers are. But I would have hoped that from Vietnam we learned, not that we couldn't win, because we find out from the true history, Vietnam was winnable, but we didn't have the will. Washington could have decided to win the Vietnam war whenever it got ready, but, instead, we kept sending people over there piecemeal to die.

The message ought to be clear. If you are going to send American men and women into harm's way, you send with them everything they need to win, and you don't tie their hands behind them. You let them fight.

And the rules of engagement in Afghanistan are causing losses of life because we are so tying our own hands that it puts our people at risk.

□ 2340

Is there any wonder people are hesitant to be our allies? The Northern Alliance could tell them, watch out. I hope and pray that the Northern Alliance leaders were wrong, that our administration here is not indirectly sending messages to the Taliban: If you just hang in there, you guys can divide things up. Because it does mean our allies in Afghanistan will be dead.

It is rather hard to hear people in this administration say that the Republican Party has no leaders when they took one of my ideas. And I did tell them, I don't care who gets the credit. But that was back in January of 2009—actually, November of 2008, when I pushed forward the tax holiday idea. It is a great idea. People would leave the money in their own checks.

I emailed the idea to Newt Gingrich. He fired back: This is brilliant. I will push it.

I don't get a lot of emails saying something I proposed is brilliant. Art Laffer had said more recently that would have been the best thing to do, a tax holiday.

The trouble is the majority right now believes that the money being earned by people doesn't belong to them, it belongs to us, and we will decide what of this government's money they get to keep. That is not way it is supposed to work.

And we have been told we are supposed to be for something. We have got all kinds of fantastic plans, but the majority has a choke hold on CBO so that they will come forward; if the President needs a CBO score to be under $900 billion, they get it under there and then conveniently find out later on that they missed it by a quarter of a trillion dollars. If the administration needs a scoring to be done in the time that the rest of us are told by CBO they can't score something in that amount of time or with what little is given, if this administration or this majority wants it, they get it done. I don't see how that is bipartisan.

When you look at over 700 bills that they have scored and you find just barely over 100 Republican bills, including what Newt Gingrich had told me: You have got to get your health care bill scored. It could change the debate. It ought to have a good score. Well, CBO has shut out that possibility, as if they were the most partisan of all partisans, because they know by preventing alternative bills from getting scored, then they prevent a viable alternative from being debated here on the floor. Shame on CBO.

There have been some great ideas, and they are so basic. Do you want to get the economy going? Let people keep their own money. You wouldn't have needed an automobile bailout if you had let people keep their own money for 2 or 3 months.

People say: You guys on this side of the aisle are only out to help the rich. I am not. We are not. But what we want to do is focus tax relief only to the limited people who are paying the taxes, and we have the unmitigated gall to think that we should not engage in class warfare. That is divisive. Or maybe I should say divisive, derisive, dismissive. Tax relief should go to those who are paying taxes, pure and simple. And it is not a tax rebate if people didn't put any ''bait'' in in the first place.

Art Laffer also says, as an economist that helped Reagan get the cart out of the ditch for this country: Quit buying all this stuff. Start selling off things. Yet every month that goes by, this government buys more and more lands, which takes the land off of the tax rolls for the local government and the schools. We do so much damage taking away tax dollars from schools, and we take away areas where we have got natural resources that could be mined or produced.

I want alternative energy sources, and it would be easy. Instead of having the crap-and-trade bill that does so much more damage to the economy, heck, just start drilling what we have, making sure it is done safely. And that does not mean as it was being done when Deepwater Horizon blew up, where the part of MMS that was allowed to unionize was the offshore inspectors.

And when I asked the question, ''What kinds of checks and balances do you have to make sure those offshore inspectors who are unionized and had a union contract to limit what they could be required to do, what kind of checks and balances do you have to make sure that they do the right thing?'' they said, ''Oh, the checks and balances? That is that we send them out in pairs so they are watching each other, and they will report each other if they don't do exactly what they are supposed to.''

Yet the last two people who were sent as offshore inspectors, unionized, to inspect the Deepwater Horizon were a father-and-son team. That is this administration and the union's idea of a good check and balance.

We have apparently hundreds of billions, and now it is estimated even over $1 trillion, of Americans' money in foreign banks that was earned overseas, and it has been left there, and this government will never have a chance to tax that at all. So here we are in economic crisis.

This was proposed in September of 2008 by some leading economists here: Instead of a TARP giveaway slush fund, don't get the government involved in the socialist action of buying into business, buying into Wall Street, engorging Goldman Sachs and AIG. Let them go through reorganization like everybody else does.

But what you could do is say, okay, for you American people, companies that have money in foreign banks that has never come into American banks, here is the deal. You come in and purchase things that will get the economy going.

And we could direct that. There will be no tax consequences, no penalties. So you, with private money, can get things going. And then, of course, once that money is here, it does get the economy going; and, once it is in this country, then it is taxable for the future. Or we could start selling off some of the land. You know, we have got to start thinking outside the box.

One of the great things that happened under Abraham Lincoln was the Morrill Act. The Morrill Act allowed universities to be started with land grants. We have people on welfare. And I know there are some that just don't want to work, but there are some that do. How about if, instead of the welfare, we give them an alternative: We will give you so many acres that can provide land where you can live off of it and make a living. And we will give you seed money to start, but you have to sign an agreement you will never accept welfare again. How about that? We have got plenty of land.

How about using the energy sources we have and taking 25 or even 50 percent of the royalty and designating that to go for research for alternative energy sources, so that it happens without the government taxing and destroying the American economy?

And, how about dropping the corporate tax down to 15 percent, 2 percentage points below China? I am told by CEOs that have moved manufacturing industries to China that if we lowered our corporate tax rate to 17, 15, 12 percent, they would be building new plants back in the United States. Those jobs would return. We need to do that.

□ 2350

We need to do that.

We need a zero baseline budget, no automatic increases. I have that bill. I filed it each of the three times that I have been here, each of the three terms.

I have got a U.N. voting accountability bill that simply says any nation, since they are sovereign they can do what they want to in the U.N., how they vote. They can applaud Ahmadinejad's crazy speeches, but for any country that votes against our position in the U.N. more than half the time, they get no financial assistance from the United States of any kind in the subsequent year. It is their choice. I said it before: you don't have to pay people to hate you. They will do it for free.

There are so many things we could do to get out of the economic malaise we are in. We need a balanced budget amendment. That would help.

I honestly believe we have got to pass a bill on Social Security that would shore it up. And, no, we didn't do it my first 2 years.

I proposed it to some of our leaders back then, our leading thinkers. They said it was a bad idea, but I still say it is a good idea, and that is for the first time since the inception of Social Security, you require Social Security tax money to go into the Social Security trust fund, real money in there to draw real interest. We could create instruments that would not create risk, that would allow us to draw interest without affecting the bond markets. There are so many things we can do.

We have been blessed so richly. I have said this before, but, Mr. Speaker, I want to conclude with it tonight, because people have been frustrated, I have been frustrated.

But the message is clear. John Adams wrote to Abigail after the signing of the Declaration of Independence. He was so excited, and he talked about the celebrations, and he finished his letter with this:

You will think me transported with enthusiasm, but I am not. I am well aware of the toil and blood and treasure it will cost us to maintain this Declaration and to support and defend these States. Yet through all the gloom I can see the rays of ravishing light and glory. I can see that the end is more than worth all the means, and that posterity will triumph in that day's transaction, even though we should rue it, which I trust in God we shall not.

With that, Mr. Speaker, I yield back.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. MCGOVERN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. SHERMAN, for 5 minutes, today.
(The following Members (at the request of Mr. GOHMERT) to revise and extend their remarks and include extraneous material:)
Mr. BURTON of Indiana, for 5 minutes, today, September 29 and 30.
Mr. FRANKS of Arizona, for 5 minutes, September 29.
Mr. FORBES, for 5 minutes, September 29.
Mr. BROUN of Georgia, for 5 minutes, September 29.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1338. An act to require the accreditation of English language training programs, and for other purposes; to the Committee on the Judiciary.

S. 3243. An act to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel, and for other purposes, to the Committee on Homeland Security.

S. 3802. An act to designate a mountain and icefield in the State of Alaska as the ''Mount Stevens'' and ''Ted Stevens Icefield'', respectively, to the Committee on Natural Resources.

S. 3839. An act 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, to the Committee on Small Business.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 714. An act to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

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

H.R. 2923. An act to enhance the ability to combat methamphetamine.

H.R. 3553. An act to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family.

H.R. 3808. An act to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce.

H.R. 6190. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 846. An act to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 1055. An act to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1674. An act 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. 2868. An act to provide increased access to the Federal supply schedules of the General Services Administration to the American Red Cross, other qualified organizations, and State and local governments.

S. 3717. An act 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. An act to extend the National Flood Insurance Program until September 30, 2011.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on September 23, 2010 she presented to the President of the United States, for his approval, the following bills.

H.R. 5682. to improve the operation of certain facilities and programs of the House of Representatives, and for other purposes.

H.R. 5297. To create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

H.R. 4667. To increase, effective as of December 1, 2010, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disable veterans, and for other purposes.

H.R. 1454. Multinational Species Conservation Funds Semipostal Stamp Act of 2010

H.R. 4505. To enable State homes to furnish nursing home care to parents any of whose children died while serving in the Armed Forces.

H.R. 6102. To amend the National Defense Authorization Act for Fiscal Year 2010 to extend the authority of the Secretary of the Navy to enter into multiyear contracts for F/A–18E, F/A–18F, and EA–18G aircraft.

H.R. 3562. To designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the ''James Chaney, Andrew Goodman, Michael Schwerner, and Roy K. Moore Federal Building''.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 52 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 29, 2010, at 10 a.m.

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. 6132, 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.

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.

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.

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.

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.

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: Ms. MOORE of Wisconsin, 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.

EXTENSIONS OF REMARKS

HONORING LATINA LEADER AWARD RECIPIENT BETTY JEAN LONGORIA, NUECES COUNTY COMMISSIONER

HON. SOLOMON P. ORTIZ
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. ORTIZ. Madam Speaker, I rise today to honor the work, dedication and leadership of Nueces County Commissioner, Betty Jean Longoria, who will receive this evening the Latina Leader Award at the Washington Court Hotel.

Commissioner Longoria was first elected to the Nueces County Commissioner's Court in November 2002. On January 1, 2003, Betty Jean Longoria took her oath of office to become the first elected Hispanic woman to serve as a Commissioner since the Commissioner's Court was established. She represents Agua Dulce, Petronila, Banquete, Bishop and the western part of Corpus Christi.

Prior to being elected to the Commissioner's Court, Commissioner Longoria served on the Corpus Christi City Council for 10 years and was a school board trustee with the Tuloso-Midway Independent School District for 6 years. Throughout her political career, she has been a strong advocate of education. She has served as a student mentor at Crossley Special Emphasis, Lamar Elementary, Blanche Moore Elementary, South Park Middle School and Solomon Coles Elementary.

Commissioner Longoria serves on the board of directors for the Corpus Christi Botanical Gardens, Big Brothers Big Sisters of South Texas, Friends of the Corpus Christi Public Libraries and board of trustees for the South Texas Institute for the Arts. Previously, she has served on the boards of the National Conference for Community and Justice, Goodwill Industries of Corpus Christi, Nueces County Community Action Agency, Westside Business Association, Corpus Christi Chamber of Commerce, Corpus Christi Hispanic Chamber of Commerce and the Hispanic Women's Network.

Her record of service, leadership and advocacy of business and community development, has led her to receive numerous recognitions and awards from various civic organizations, including the Westside Business Association; the Hispanic Women's Network; the National Conference for Community and Justice; Leadership Corpus Christi; and the Corpus Christi Hispanic Chamber of Commerce.

Commissioner Longoria was born and raised in Corpus Christi and graduated from Roy Miller High School. Commissioner Longoria and her husband, Alfredo Longoria, Jr., have been married for 49 years and have four sons and eight grandchildren.

I ask my colleagues to join me in commemorating Commissioner Longoria for her work and dedication to the people of Nueces County and her well deserved award as a Latina Leader.

HONORING THE 150-YEAR ANNIVERSARY OF THE TEMPLE HESED SYNAGOGUE IN SCRANTON, PENNSYLVANIA

HON. PAUL E. KANJORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the 150th anniversary of Temple Hesed, the oldest synagogue in Scranton, Pennsylvania.

Temple Hesed's roots were founded during the mid-19th Century when small groups of worshipers would travel back and forth between Scranton and Wilkes-Barre, Pennsylvania to attend High Holy Day Services.

The group, made up mostly of German immigrants, was originally known in the 1840s as ''Chevra Rodef Shalom,'' meaning, ''Brotherhood of the Pursuer of Peace.''

On August 20, 1860, the group was renamed ''Kehilat Anshe Chesed,'' meaning the ''Congregation of the People of Loving-Kindness.''

By 1862, its membership had increased to 27 and was granted a charter.

The congregation's first synagogue was located in the 100 block of Linden Street in Scranton. They purchased the land in 1867 from the Lackawanna Iron and Coal Company, and worshiped in the original synagogue through 1902.

During this time, the congregation joined the American Reform Movement, an organization founded by Rabbi Isaac Mayer Wise, who was present to dedicate the original synagogue in Scranton in April of 1867.

In 1902, the congregation moved from its original synagogue to a new building on Madison Avenue in Scranton. Over the next few decades, the synagogue was renovated and expanded to accommodate the group's growing membership, and in the 1960s its name was changed to ''The Madison Avenue Temple.''

The congregation moved into its current synagogue off of Lake Scranton Road in 1974, and its name was changed one last time to ''Temple Hesed,'' meaning the ''Temple of Loving Kindness,'' and reflecting the congregation's 19th Century roots.

Currently, Temple Hesed remains a member of the American Reform Movement, today known as the Union of Reform Judaism, which now has over 900 member congregations throughout the country.

The synagogue promotes a ''welcoming'' environment, and offers traditional worship services along with youth and adult education opportunities to its congregation, which now includes about 180 member families of all lifestyles and backgrounds.

Madam Speaker, please join me in recognizing this remarkable anniversary. Over the past 150 years, Temple Hesed has evolved from a small group of worshipers to a prominent Jewish community in Northeastern Pennsylvania.

HONORING THE LIFE OF STAFF SERGEANT CHRISTOPHER STOUT

HON. GEOFF DAVIS
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. DAVIS of Kentucky. Madam Speaker, today I rise to pay tribute to SSG Christopher Stout, from Worthville, Kentucky. He lost his life on July 13, 2010, after receiving wounds during an insurgent attack on his unit in Kandahar City, Afghanistan.

He was assigned to the 1st Battalion, 508th Parachute Infantry Regiment, 4th Brigade Combat Team, 82nd Airborne Division, Fort Bragg, NC.

Staff Sergeant Stout is survived by his parents Billy and Sharon Neuner of Worthville, Kentucky.

Staff Sergeant Stout was a dedicated husband to his wife, Misty Stout as well as a devoted father to his three daughters, Jacqueline, Audreanna, and Kristin.

Today, as we celebrate the life and accomplishments of this exceptional Kentuckian, my thoughts and prayers are with Staff Sergeant Stout's family and friends.

We are all deeply indebted to SSG Christopher Stout for his service and his sacrifice.

CELEBRATING THE CAVE SPRINGS CENTENNIAL

HON. JOHN BOOZMAN
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. BOOZMAN. Madam Speaker, today I rise to recognize the 100th birthday of Cave Springs, Arkansas.

At the turn of the century Cave Springs was a busy town that centered on commerce and tourism. The town cave and therapeutic waters attracted people who would travel up to two days by horse and carriage just to visit.

Commerce was booming. The town had two hotels, a lumber yard, three churches, a bank, a doctor and dentist's office as well as several other services. Commerce has changed through the years and now revolves mostly around agriculture, but community leaders are

just as committed to making it a vibrant area where people want to spend time.

Today Cave Springs is known as the "Gateway to the Future." Those on the way to the Northwest Arkansas Regional Airport pass through this small community that still maintains its friendly rural charm where people still say hi to their neighbors.

Mayor Mark Reeves said that's what attracted him to the town in 1982. Since then the population of the community has grown as it is uniquely situated between rural beauty and busy cities that offer a lot of activities.

Congratulations to Cave Springs for 100 amazing years and best of luck on the next 100.

HONORING STANLEY MOSKAL AS GRAND MARSHAL OF THE 2010 PULASKI DAY PARADE

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. ROTHMAN of New Jersey. Madam Speaker, I rise today to recognize Garfield Deputy Mayor Stanley J. Moskal for his selection as grand marshal of the 2010 Pulaski Day Parade. The parade, which will be held on October 3, 2010, in New York City, is the 73rd annual celebration of Polish heritage and General Casimir Pulaski's heroic military contributions during the American Revolutionary War.

A lifelong resident of Garfield, New Jersey, located within my Congressional District, the Honorable Stanley Moskal was elected to the Garfield Council in 2004. In 2008, he was reelected to the council as Deputy Mayor. Mr. Moskal is an active community leader in the City of Garfield, serving on the Board of Directors of both the Garfield YMCA and the Garfield Vistula Soccer Club. He is Vice President of the Pulaski Parade Association of Garfield and has served as a commissioner to Garfield's Joint Insurance Fund. Mr. Moskal is a member of Garfield's Community Response Team, having been one of the first councilmen in New Jersey to complete this program.

Deputy Mayor Moskal is an active parishioner of Saint Stanislaus Kostka, Roman Catholic Church, where he has served as an usher for their Sunday Mass since the age of 15. In 2004, he was selected to be Marshal of the Garfield Contingent in the Pulaski Day Parade, making him the youngest ever individual to lead Garfield in this annual celebration. Mr. Moskal's election as 2010 Grand Marshal brings him the additional distinction of being the first-ever Garfield resident to serve as Grand Marshal and one of the youngest Grand Marshals in the history of the Pulaski Day Parade.

Madam Speaker, today I would like to congratulate Deputy Mayor Moskal on this exciting honor and thank him for his extraordinary contributions to the City of Garfield. I am proud to have such a dedicated and enthusiastic leader as part of my constituency.

HONORING THE 50TH ANNIVERSARY OF NEW PROVIDENCE MISSIONARY BAPTIST CHURCH

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. MEEK of Florida. Madam Speaker, today I rise to honor the 50th anniversary of New Providence Missionary Baptist Church in Miami, Florida. Since its inception, the Church has stood in the community as a symbol of perseverance and inspiration. This anniversary of New Providence Missionary Baptist Church marks a time of remembrance of a storied past and renewal for a bright future.

On October 4, 1960, the late Reverend C. J. Burney organized New Providence Missionary Baptist Church with a membership totaled at 376 members. After 23 years, Rev. Burney retired in November 1983. On December 8, 1983, Rev. James Walthour became the Pastor of New Providence. He served and led the Church faithfully until he passed on September 6, 2001. Rev. Vinson Davis became the interim Pastor on July 25, 2002. He was elected to be the Pastor of New Providence and was installed on September 15, 2002. For the last eight years Pastor Davis has followed his motto and vision for New Providence Missionary Baptist Church—"The Spirit of Oneness."

Madam Speaker, please join me in applauding and honoring New Providence Missionary Baptist Church as it celebrates 50 years of dedicated fellowship. Throughout the past 50 years, the clergy and members have dedicated themselves to providing spirituality, service and guidance to the Church and greater community of South Florida. New Providence is a model for our community and our Nation. New Providence has never wavered from the ministry of saving lost souls, preaching the gospel, feeding the hungry, helping the homeless, and reaching out and renewing the spirit of neighbors in need. It is my hope New Providence Missionary Baptist Church continues to stand as a beacon of resolve, inspiration and worship for many years to come.

CONGRATULATING THE SEATTLE STORM FOR WINNING THE 2010 WNBA NATIONAL CHAMPIONSHIP TITLE

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. MCDERMOTT. Madam Speaker, I rise today to congratulate the Seattle Storm for winning the 2010 WNBA National Championship Title, their second national championship in six years. After a record-breaking season, the Storm swept the Atlanta Dream in three close games during the WNBA finals, winning on Thursday night in Atlanta, 87-to-84. Their victory is not only a tribute to the hard work of the players but also the determination and gumption of our team's female owners, who bought the team in 2008, refusing to make the move to Oklahoma City with the Sonics. I applaud our players, owners, and fans for allowing our team to grow and thrive in Seattle.

While none of the athletes on the Storm were born when Patsy Mink wrote and worked to pass Title IX, in 1972, all have reaped the benefits of her efforts. Title IX gave women and girls greater opportunities to participate in high school and collegiate sports, which the talented and dedicated women of the WNBA have parlayed into professional careers.

I am so very proud of our team and their accomplishments. As we all learned in grade school, it's not just if you win, but how you win. Too many of our professional athletes have forgotten this lesson, but not the women of the Storm. As ESPN's Mechelle Voepel put it: "The Storm weren't a team that was dominant in the sense that it throttled all its opponents. To the contrary, the Storm made rallying an art form this summer. But the Storm were a team that always seemed to figure out how to get the job done whenever it really mattered." Congratulations.

HONORING THE LIFE OF MARINE CORPORAL MAX WILLIAM DONAHUE

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. DAVIS of Kentucky. Madam Speaker, today I pay tribute to Marine Corporal Max William Donahue. He lost his life on August 7, 2010 after he was severely wounded in Helmand Province, Afghanistan.

He was assigned to Military Police Support Company, First Marine Expeditionary Force Headquarters Group, Camp Pendleton, California.

Corporal Donahue served two previous combat tours in Iraq before deploying to Afghanistan.

Corporal Donahue was the son of Gregory Donahue of Worthington, Kentucky.

Today, as we celebrate the life and accomplishments of this exceptional Kentuckian, my thoughts and prayers are with Corporal Donahue's family and friends.

We are all deeply indebted to Corporal Donahue for his service and his sacrifice.

IN TRIBUTE TO DISMAS BECKER, A MAN OF FAITH

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Ms. MOORE of Wisconsin. Madam Speaker, I rise today in tribute to a dear friend, a mentor, a legislator, a community organizer, a loving husband and father to his family. Dismas Becker was a man of faith and that unshakeable faith remains with us even with his passing.

Dismas Becker was a former activist priest who was in the forefront of the civil rights movement during the tumultuous 1960's.

Along with the well-known activist Father James Groppi, Dismas participated in welfare rights demonstrations, open housing marches, and publicly defended Father Groppi's efforts to organize demonstrations in support of these causes. In October 1969, Dismas was beaten by police while occupying the chambers of the State Assembly in Madison, to protest welfare funding cutbacks. Dismas Becker's sermons were filled with anti-war sentiment and the fight for civil rights that brought complaints from some parishioners. The dissent did not sway Dismas from this calling.

In fact, speaking in 1969 Dismas said, ''If you do find yourself in a conflict between you and society and you do not dissent, you are not a Christian.'' He later left the priesthood, but did not leave his activism behind. Dismas Becker went on to serve in other roles, including as a state representative in the Legislature and was eventually chosen as the Majority Leader in the Assembly by his fellow Democrats in 1984.

Dismas Becker married an amazing woman, Fay Anderson, who was active in the local Democratic Party, and was an alderperson in her own right. He adopted her children and they adopted a son of their own. He never stopped working on behalf of those who needed it most. With his own personal ministry never wavering, he reached out to the downtrodden, and to people who were going in the wrong direction, to help them turn a corner.

Madam Speaker, for these many reasons I rise in tribute to Dismas Becker. He reached out to me, then a young woman with 3 children and encouraged me throughout his lifetime. In 1988, he decided to run for the State Senate. Dismas Becker suggested, pushed, and encouraged me with love to run for his Assembly seat. I am here today due in no small part to the incredible commitment of this loving and giving human being. I will miss my beloved friend, Dismas Becker, and he will be missed by the entire community.

IN HONOR OF GEORGE ALCOTT'S MORE THAN TWENTY YEARS OF SERVICE TO COMMUNICATIONS WORKERS OF AMERICA, LOCAL 1301, AND THE WORKING FAMILIES OF THE COMMONWEALTH OF MASSACHUSETTS AND NEW ENGLAND

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. LYNCH. Madam Speaker, I rise today in honor of George Alcott, a constituent from Braintree, Massachusetts, in recognition of his decades of commitment to the men and women of Communications Workers of America, Local 1301, and for ensuring access to quality communications service for the people of the Ninth Congressional District, the Commonwealth of Massachusetts, and New England.

George was born to George and Marilyn Alcott and raised in the city of Quincy, Massachusetts, where he graduated from North Quincy High School. After attending Boston College, George taught in the Boston school system and was also a manufacturer's representative.

George began his career with New England Telephone in 1983 as a Yellow Pages Sales Representative and worked in the Boston and Providence, Rhode Island markets. He quickly became a leader among his peers, and in 1986 was elected Vice President of Communications Workers of America (CWA) Local 1301, a position he held through 1989. In 1990, George became President of CWA Local 1301 and remained the Local's leader through 2010, representing Yellow Pages Sales Representatives throughout New England for two decades.

During his tenure George served on both the Local and Regional Bargaining Committees and negotiated numerous contracts, which were viewed in the industry as ''best in class'' for the hundreds of members that he represented. These contracts provided workers and their families with outstanding compensation, healthcare and pension benefits. Although he has stepped down as President, George still works tirelessly on behalf of active and retired members of CWA Local 1301 on issues critical to their well being.

Currently, as a Vice President on the Executive Board of the Massachusetts AFL–CIO, George represents hundreds of thousands of working people in Massachusetts. He also sits on the Board of Directors of Blue Cross Blue Shield of Massachusetts, and in this role is able to provide the perspective of labor and working families to his colleagues of this leading healthcare organization. His lifelong commitment to the people he represents has earned George Alcott the admiration and respect of the men and women in the labor movement, in Massachusetts and across the Nation.

When reflecting on a lifetime of good works, George counts as his greatest achievements marrying his loving wife of 11 years Kathy, and raising his children, Daniel and Courtney.

Madam Speaker, it is my distinct honor to take the floor of the House today to join with his family, friends and contemporaries to thank George for his commitment to the men and women of Communications Workers of America, Local 1301, and the working families of Massachusetts and New England. I urge my colleagues to join me in recognizing George Alcott's efforts and dedicated service to others.

CONGRESSIONAL RECOGNITION FOR SUPPORT OUR TROOPS OF TUCSON, ARIZONA

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Ms. GIFFORDS. Madam Speaker, I rise today to commend Support Our Troops, a non-profit organization in my hometown of Tucson, Arizona, that over the past four years has sent more than eight tons of care items to our troops serving around the world.

Support Our Troops was the brainchild of veteran Jonathan Rice, who served in the U.S. Army from 1966 until 1970 and in the U.S. Army Reserve from 1981 until 1985. Mr. Rice is a resident of Atria Bell Court Gardens, an independent senior community in Tucson. He formed Support Our Troops as a non-profit organization to let troops from Arizona know that their fellow Arizonans support them and appreciate their efforts.

Support Our Troops has sent more than 1,600 packages that have benefitted nearly 12,000 Arizonans serving in the Army, Air Force, Navy and Marines. Two years ago, I had the honor of visiting Mr. Rice and the other residents of Atria Bell Court Gardens for the completion of their 1,000th package for our troops. The packages contain snack and hygiene items for our men and women in uniform as well as small gifts for children in the areas where the troops are deployed.

The packages have been delivered to Iraq, Afghanistan, Serbia, Kosovo, Qatar, Kuwait and other nations where our troops have been deployed. Since the packages have been sent, a number of troops have returned to Tucson and visited Atria Bell Court Gardens to say how much they appreciated these generous gifts of love and support.

Residents of Atria Bell Court Gardens shop for the contents of the packages each week and pay for the items out of their own pockets. The boxes are packed each Saturday and owners of Atria Bell Court Gardens pay for all postage costs. The residents and owners of this community have spent tens of thousands of dollars to send these gifts of appreciation to our Armed Forces.

Madam Speaker, I am proud to recognize Jonathan Rice, his fellow residents of Atria Bell Court Gardens as well as owners of the retirement community on the occasion of the fourth anniversary of their Support Our Troops program, which has delivered an untold amount of good will and support to the men and women who defend our country.

DOMESTIC VIOLENCE AWARENESS MONTH

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. REICHERT. Madam Speaker, last year on the 22nd of October I submitted remarks in recognition of Domestic Violence Awareness Month, a tradition that started in this House in 1989. Today, Madam Speaker, I'm doing the same. Domestic violence is a debilitating scourge in our society, and our goal in this House and as a nation should be to completely eliminate it.

Before joining this House in 2004, I spent 33 years in law enforcement, Madam Speaker. I witnessed acts of domestic violence, and I watched the debilitating results play out in families and communities for weeks, months, and years afterward. The toll domestic violence takes on people across this country is incalculable. Madam Speaker, domestic violence recognizes no boundaries.

Children who witness abuse and are themselves abused are more than twice as likely to commit acts of domestic violence as adults.

Generations of Americans have failed to break this terrible cycle of violence and even more alarmingly, many of those same Americans have not properly identified acts of domestic violence or sought help or protection due to ignorance, fear, or a host of other troubling reasons. In 2006, a survey conducted by Teen Research Unlimited showed that fifteen percent of teens who have been in a relationship reported being hit, slapped, or pushed by their boyfriend or girlfriend. Madam Speaker, we must work harder to raise awareness of this critical issue to ensure people know that help is available, and that they can feel safe in reaching out and taking hold of that help.

I urge members of this House to support organizations committed to stamping out domestic violence, Madam Speaker. I also urge every American to take the time during October—Domestic Violence Awareness Month—to tell their spouse or child how important each is to their lives. Hug your spouse. Hug your children. And should people feel moved to do so, figure out how to extend a helping hand to victims in communities across our country. Every day in October we have the opportunity to work against domestic violence. Americans must stay vigilant; thank you.

INTRODUCING RESOLUTION ''RECOGNIZING 75 TEXAS WORLD WAR II VETERANS VISITING WASHINGTON, D.C., ON SEPTEMBER 27, 2010, TO VISIT THE MEMORIALS BUILT IN THEIR HONOR

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. PAUL. Madam Speaker, I am introducing today a resolution honoring 75 Texas World War II veterans who are being flown by Dow Chemical Company to Washington, DC on September 27, 2010. These veterans have spent their post-WWII careers working at Dow's Freeport, Texas Operations, which is in the district I represent. Now they are finally getting the chance to see the WWII monument, which was built to honor their service to our country in the war.

Madam Speaker, I would like to express my deepest appreciation to these veterans and all the veterans of WWII and I am pleased that Dow Chemical Company is making it possible for them to come to Washington, DC.

HONORING THE LIFE OF ARMY RANGER SPECIALIST CHRISTOPHER WRIGHT

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. DAVIS of Kentucky. Madam Speaker, today I pay tribute to Army Ranger Christopher Wright, from Tollesboro, Kentucky, who lost his life on August 19, 2010 from wounds sustained when insurgents attacked his unit with small arms fire in the Konar Province of Afghanistan.

He was assigned to Company C, 1st Battalion, 75th Ranger Regiment, Hunter Army Airfield in Georgia.

Specialist Wright was a 2005 graduate of Lewis County High School and was on his second tour of duty overseas.

He was the beloved son of James Cochran and Linda Dennis. He also was a role model for his three younger siblings.

Today, as we celebrate the life and accomplishments of this exceptional Kentuckian, my thoughts and prayers are with Specialist Wright's family and friends.

We are all deeply indebted to Specialist Wright for his service and his sacrifice.

HONORING BLUE DIAMOND GROWERS

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. CARDOZA. Madam Speaker, I rise today to recognize Blue Diamond Growers, celebrating 100 years of quality service, both domestically and worldwide.

The seed for this American icon was planted on May 6, 1910, by 230 California almond growers, forming the California Almond Growers Exchange, a cooperative created to establish a market for quality almond production.

Sixty percent of California's almond growers joined the cooperative, giving birth to America's first almond brand, the Blue Diamond, named after the world's rarest and most precious of gems, a true symbol of quality.

In an effort to expand Blue Diamond's commitment to innovation and quality, the Blue Diamond forefathers made their first voyage to Italy and Spain, in 1917, to share cultural and marketing information. This marked the first promotion by an American cooperative to provide almonds to a foreign market. Soon after, Spain would become a leading market for California almonds.

Blue Diamond established a partnership with the Federal government in 1928 to obtain better rail rates, thus facilitating the first speech in America aboard a train headed cross country about the importance of equitable almond prices.

With continuing commitment to innovation, integrity, and satisfaction of customer needs, Blue Diamond developed the first cellophane bag to package almonds. The company funded the first nutritional research program, establishing almonds as a viable source of protein and energy. As a result, almonds are now an essential source of food in the Federal School Lunch Program.

Continually searching for new ways to make almonds enjoyable and fun, Blue Diamond introduced the first almond snack, Smokehouse Almond, an American favorite for airline passengers.

In 1950, Blue Diamond established the Almond Board of California, a federal marketing order, which helped to collect market information by funding research and promoting California almonds.

With a commitment to quality and a desire to provide for almond lovers everywhere, Blue Diamond led the way in opening the Japanese market and established its first foreign office in Japan in the 1950s.

Blue Diamond exported California almonds to Russia when it was still known as the Soviet Union. In the 1970s, Blue Diamond provided the Indian market with California almonds, a relationship that still exists today. India now imports over $100 million dollars of California almonds, making almonds the number-one U.S. export to India.

Blue Diamond is currently expanding the almond market in China, which ranks among the largest in the world for California almonds.

From Blue Diamond's modest beginnings as a small industry of three million pounds of almonds in 1910, California is now producing more than 1.65 billion pounds and 80 percent of the global supply. Blue Diamond's business has grown to nearly $1 billion dollars with over half of the state's almond growers owning the cooperative.

Due to Blue Diamond's diligence and commitment to quality, almonds are now California's largest food export and rank as the largest tree crop in the world. Blue Diamond represents the best of the American entrepreneurial spirit and its products have become ingrained in many aspects of Americans' lives. It is a privilege to honor Blue Diamond Growers for its 100 years of leadership in developing and promoting the California almond industry both domestically and abroad.

LI–ION MOTORS CORP ''WAVE II'' X PRIZE WINNER

HON. PATRICK T. McHENRY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. McHENRY. Madam Speaker, on September 16, 2010, the X PRIZE Foundation, an educational nonprofit prize organization, and Progressive Insurance, awarded a total of $10 million to three teams who successfully completed the rigorous Progressive Insurance Automotive X PRIZE competition. Among the three winning teams was Li–ion Motors Corp. in my district. Li–ion Motors emerged from an original field of 111 competing teams, representing 136 vehicle entries from around the world. The winning vehicles were showcased to an audience of individuals from the auto industry, national and international businesses, and U.S. government leaders.

Li-ion Motors' design of the ''Wave II'' was awarded $2.5 million for the Alternative Side–by–Side Class category. The two–seat battery electric car was built on a lightweight aluminum chassis and weighed in at only 2,176 pounds, despite the weight of its powerful lithium ion batteries. The Wave II demonstrated outstanding low mechanical and aerodynamic drag that resulted in 187 miles per gallon equivalent, MPGe, in combined on–track and laboratory efficiency testing, and a 14.7 second zero-to-60 mph acceleration time. The vehicle also has a range of 100 miles in a real-world driving cycle.

This is a great day for all the individuals who work at Li–ion Motors and helped achieve this amazing accomplishment. This company

is now eligible for a U.S. Department of Energy program that will help ready highly efficient vehicles for introduction to the U.S. market.

SUPPORTING ARMS SALE TO TAIWAN

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. SESSIONS. Madam Speaker, I rise today to express my strong support for strengthening the bilateral relationship the United States has with Taiwan. Taiwan is an important ally and trading partner, and we must continue to support its defense.

Taiwan faces a continuous threat from the People's Republic of China, PRC, and must be capable of defending itself in the event of an attack. Section 2(b)(4) of the 1979 Taiwan Relations Act, which is the cornerstone of United States-Taiwan relations, declares that it is the policy of the United States ''to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States.'' Section 3(b) of the Act stipulates that both the President and Congress shall determine the nature and quantity of defense articles and services that Taiwan needs.

On January 29, 2010 the Obama Administration announced to Congress a planned arms package to Taiwan totaling $6.4 billion. The package included 114 Patriot PAC–3 missiles, 60 Black Hawk helicopters, 12 Harpoon missiles for training purposes, two Osprey class refurbished mine hunters, and military communication equipment. This package was extremely significant and will help ensure the security of the Taiwan Strait. However, this package did not include the 66 F–16 fighter aircrafts, which were requested by Taiwan in 2006. I request that the Obama Administration give full, prompt, and fair consideration to Taiwan's request for the F–16 fighter aircrafts.

HONORING AND CELEBRATING THE 50TH WEDDING ANNIVERSARY OF VAN P. AND MARGARET SMITH

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. PENCE. Madam Speaker, I rise today to honor Van P. and Margaret Smith—of Muncie, Indiana—on the extraordinary occasion of their fiftieth wedding anniversary. Their dedication to one another, their family, their friends, and their community is a shining example of the foundational values which have made this nation great.

Margaret Ann Kennedy, born October 27, 1934, in Chicago, Illinois, moved to Muncie with her family as a young girl. There she attended Muncie Central High School and graduated from Ball State University in 1956 with a degree in Education. She went on to teach at Washington Elementary School in Muncie from 1956 to 1961.

Van P. Smith was born on September 8, 1928, in Oneida, New York. He graduated from Colgate University with a degree in Public Administration and Economics in 1950, and from Georgetown University with a Doctor of Jurisprudence in 1955. He has also received honorary doctorate degrees from Ball State, Colgate, Indiana State, and Vincennes Universities as well as the Catholic University of America.

Van and Margaret met through mutual friends and were married on November 19, 1950. They made their home in Muncie, Indiana, where they continue to be active members of the community. The Smith's have a large and loving family, including five children and nineteen grandchildren. Margaret has been a loving and tirelessly devoted spouse, mother, and grandmother, while Van has been the leader and captain of their tight knit family.

Both Van and Margaret have given back to their local community for decades now, and I cannot praise them enough for their many generous charitable gifts. Margaret remains active with St. Mary's Parish, Tri Kappa Sorority, and the Harvest Soup Kitchen. For over 50 years, Van served as an owner and executive leader of Ontario Corporation, employing hundreds of Hoosiers. He was also instrumental in purchasing the Sherry Laboratories unit, where he still reports for work daily at the age of 82. He is recognized by community and business leaders as a respected and honored entrepreneur, dedicated to faith, family, and integrity. His accolades and achievements, though too numerous to list in this brief tribute, have had an immeasurable impact on not only my congressional district, but the entire state of Indiana and beyond. Perhaps most moving to me is the influence that Van and Margaret Smith have had on my life and on my family. My history with Van and Margaret goes back many years, and not only are they dear friends, but they have been a source of great guidance to me; words are inadequate to relay the depth of gratitude I feel for them both. The Good Book tells us that ''the fear of the Lord adds length to life,'' and it is clear that the Lord has had His hand on this remarkable couple. Their contribution is indeed impressive on a local, state, national, and international level. However, their defining characteristic is the depth of their humility and the breadth of their generosity. As is evident to all who are fortunate to know them, Van and Margaret have strived to live their lives honoring to God, family, friends, and their community with integrity and character.

Madam Speaker, I again congratulate Van and Margaret Smith on their fifty wonderful years of marriage and humbly thank them for their years of community service and friendship. I honor and applaud them for their dedication and generosity and pray God's best for them and their family.

REMEMBERING AND HONORING MR. JOHN HARWOOD OF ST. LOUIS, MISSOURI

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. AKIN. Madam Speaker, I rise today to honor John Harwood of St. Louis, Missouri.

On Saturday, September 25th, 2010 John Harwood passed into eternity. Mr. Harwood lived an exemplary life of service. He dedicated over a quarter of a century to helping fellow men live lives based on spiritual principles. He assisted many with the development of personal character based on humility, faith, love and service. Mr. Harwood was known as a tough man, who had the courage of his convictions and unique powers of persuasion. Yet, he had a deep sense of service and dedication to fellow human beings. Mr. Harwood often stated that one of the secrets of life is to ''learn to love another human being.'' He exemplified this philosophy in his own life, every day, as he held out his hand to many who needed a little experience, strength and hope on the way to a better way of being.

I ask my colleagues to join me in honoring John today.

IN HONOR OF THE LEBANON REGIONAL FFA CHAPTER FOR PLACING SECOND AT THE EASTERN REGIONAL FFA DAIRY PRODUCTS CONTEST AND QUALIFYING FOR NATIONALS

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. COURTNEY. Madam Speaker, I rise today to honor Lyman Memorial High School students Rachel Mackewicz, Kelly Pestey, Erin White and Emily Von Edwins. I want to offer my congratulations to these students who placed second at the Eastern Regional FFA Dairy Products Contest on September 18, 2010.

These students, along with their faculty advisor Mrs. Brenda Wildes, honorably represented themselves, their family and their community at the Eastern Regional FFA Dairy Products contest. By finishing in second place, the team not only placed higher than any previous Lebanon FFA team, but also qualified to compete for the national title at the National FFA Convention.

Since it was founded in 1928, The Future Farmers of America has promoted agricultural education for millions of students across the country. FFA's commitment to bringing students, teachers and agribusiness together helps to ensure that each generation of our nation's leaders comes equipped with the agricultural understanding necessary to lead our country. Last summer, I was fortunate enough to meet with some of these impressive young leaders at the Connecticut state FFA convention and saw firsthand the important impact

the FFA has on middle and high school students across the country.

It is important to highlight the important role the FFA and this team of students in maintaining our rural heritage and promoting the agricultural ideals that serve as the backbone of our country. I ask all of my colleagues to join with me, and the people of Connecticut in recognizing the Lebanon Regional Future Farmers of America Chapter for their achievement and wishing them good luck at the national competition.

IN MEMORY OF ROBERT U. CASSEL, WORLD WAR II VETERAN

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. ANDREWS. Madam Speaker, I rise today to honor the life and memory of Robert U. Cassel of Mantua Township, New Jersey, who died September 1st, 2010 at the age of 95. A longtime resident of Gloucester County, Mr. Cassel has left a legacy of dedication and commitment to his community.

Mr. Cassel was born in Philadelphia and graduated from Woodbury High School in 1932. An avid learner, Mr. Cassel continued on to Lebanon Valley College to study biology, leading to his career as a chemist with the Mobil Corporation.

During World War II, Mr. Cassel's supervisor advised him that he was exempted from the draft as a result of the importance of his position. Understanding the call of his country, he ignored that exemption and entered the 94th Infantry Division, arriving in France three months after D-Day. He later became a battalion operations officer in the 301st Infantry Regiment. In that position, he was awarded two Bronze Stars for helping fellow battalion members escape a trap that could have destroyed the unit. During his service, Mr. Cassel collected several battle artifacts that he shared at veteran events and Veterans Day presentations at schools. He later donated these items to the University of Georgia. Until recently, he was also the editor of the Hoodlum News, a quarterly newsletter for the 301st Infantry Association.

Combining his passion for nature with his dedication to the community, Mr. Cassel was a founding member of the Gloucester County Nature Club in 1949. Furthermore, Mr. Cassel embodied a spirit of volunteerism, dedicating his time to the Battleship New Jersey Museum and Memorial, the Mennonite relief warehouse in Lancaster County, and the Boy Scouts of America.

He is survived by his wife Carol and his two daughters, Claire Cassel and Judith Cassel Williams, as well as three grandchildren, two great-grandchildren and a sister. Mr. Cassel is predeceased by his first wife, Eve.

Madam Speaker, Robert U. Cassel's endless dedication to Gloucester County and our country should not go unrecognized. I express my sincere condolences to his family for their loss and pay tribute to the memory of this exceptional man.

A TRIBUTE TO JWCH INSTITUTE ON THE OCCASION OF THE NONPROFIT ORGANIZATION'S 50TH ANNIVERSARY OF PROVIDING QUALITY AND AFFORDABLE HEALTH CARE TO THE COUNTY'S UNDERSERVED COMMUNITIES

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize the John Wesley Community Health Institute—also known as the JWCH Institute—on the occasion of the organization's 50th anniversary of providing quality and affordable health care to thousands of uninsured patients throughout Los Angeles.

During my years in Congress, I have had the privilege of working closely with JWCH as well as the other community health centers in my district. I have seen firsthand the important role they play in improving the health of our communities, especially among Latinos, African Americans, the homeless and people with physical and mental health problems.

As a safety-net provider, I am proud to say JWCH is a true leader in this arena.

The Institute was established in 1960 by a group of concerned physicians at the John Wesley County Hospital, JWCH, as a vehicle for obtaining additional funds to support and augment patient care, education, and research. When the hospital was demolished in 1979, medical services and patient education took priority with a refined and expanded focus on community-based health education and social support programs.

Today, the center's mission is being accomplished through a wide variety of programs and activities. In addition to providing primary medical care, the agency's services include: medical outreach and referrals for medical care; HIV services and drug treatment; health education; psychosocial assessment and intervention; family planning services; and research.

Since its inception, JWCH has grown from a very small entity housed in a county building to a $21 million Federally Qualified Community Health Center. Last year, the private non-profit agency provided 84,191 medical visits to the indigent at 13 locations, including clinics in Skid Row and Bell Gardens in the 34th Congressional District as well as South Los Angeles, East Los Angeles, El Monte, Lynwood and Norwalk.

A recent highlight of this innovative growth, JWCH opened the Center for Community Health last year. Located at 522 S. San Pedro Street in Skid Row, the center is the first fully integrated system of care for homeless persons on the West Coast. The center offers a ''one-stop shop'' approach to addressing the complex health care needs of homeless individuals and families, which includes providing patients one complete medical record to better ensure a continuum of care.

Madam Speaker, as JWCH prepares to mark its 50-year milestone at a special October 19 anniversary celebration at the Dorothy Chandler Pavilion in Downtown Los Angeles in the 34th Congressional District, I ask my colleagues to please join the Los Angeles community and me in recognizing JWCH for its steadfast commitment to strengthening the safety-net for the county's medically underserved. I also commend JWCH's Board Chair, Cesar Portillo, its Chief Executive Officer, Al Ballesteros and all of the many dedicated people who make this health care organization the safety net that it is today for thousands of Los Angeles County residents.

JWCH provides critical resources and services that enable our community members—including the most hard-to-reach and at-risk patients—to stay healthy and strong, and I wish everyone involved with this fine organization many more years of continued success.

CONGRATULATING CATHERINE MAY AND DAN ABBOTT, TEMPE COMMUNITY COUNCIL'S 2010 HUMANITARIANS OF THE YEAR

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Catherine May and Dan Abbott, the Tempe couple recently named the 2010 Don Carlos Humanitarians of the Year by the Tempe Community Council. The Tempe Community Council was founded in 1972 with the mission of ''connecting those in need with those who care,'' and has been honoring exceptional individuals with the Don Carlos Humanitarian Award for the past 26 years. This award honors a Tempe resident or couple who upholds the humanitarian ideals of Charles Trumbull Hayden, Tempe's founder, referred to as ''Don Carlos'' by Hispanic pioneers due to his generosity and compassion for people in need. Catherine and Dan truly live a life of generosity and compassion and are both incredibly deserving of this award.

Catherine, a senior research analyst for the Salt River Project and Dan, a retired social worker who specialized in emotionally disturbed youths, were both active volunteers prior to their marriage fifteen years ago, and have been enthusiastically volunteering ever since. Both are involved with the University Presbyterian Church which has been a big influence in their outreach efforts. Their outreach into the community touches on human issues at both the state and community levels and includes hunger, homelessness, mental health, counseling, child abuse prevention, GLBT tolerance advocacy and humane treatment of documented workers.

Catherine and Dan's direct influences on the community are numerous and include the annual Tempe Empty Bowls event. Catherine and Dan made the original proposal to establish the event which has since raised more than $100,000 for the Tempe Community Action Agency and United Food Bank.

Madam Speaker, please join me in congratulating Catherine May and Dan Abbott for their well deserved recognition as the 2010 Don Carlos Humanitarians of the Year. Couples like Catherine and Dan help strengthen our communities and our nation.

HONORING DR. HOWARD W. JONES, JR. PIONEER IN REPRODUCTIVE MEDICINE

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Ms. DEGETTE. Madam Speaker, today, I rise in honor of Dr. Howard W. Jones, Jr., a pioneer in the field of reproductive medicine, whose revolutionary work alongside that of his late wife, Dr. Georgeanna Seegar Jones, led to the birth of the first American baby borne of in vitro fertilization nearly 30 years ago. Together Dr. Howard and Georgeanna Jones, and the procedure they perfected, offered hope and happiness to thousands of American couples struggling with diseases and conditions that stifled their dreams of building a family. Dr. Jones celebrates his centennial birthday this year and here, we salute his accomplished life.

Today infertility affects 1 in 8 couples. But the in vitro techniques developed by the Jones' team, and the subsequent advancements in the field of reproductive medicine, have repeatedly proven to be safe and effective, producing millions of successful pregnancies, happy parents and healthy babies worldwide. Dr. Jones will be recognized at the 66th Annual Meeting of the American Society of Reproductive Medicine to be held in my state in late October and I am pleased to be able to salute his career here on the floor of the U.S. House of Representatives today.

As my colleagues know, I have been a strong advocate in Congress for scientific advancement. I have worked to strengthen federal support for scientific research, including embryonic stem cell research, which potentially holds so much promise for the millions of Americans who are living with debilitating diseases such as Parkinson's, diabetes, and spinal cord injury. Federal funding of this vital research is in jeopardy, and I stand ready to work with my colleagues to remedy problems that undermine scientific advancement, just as Dr. Jones was willing and eager to ensure that groundbreaking research in the field of reproductive medicine was developed and employed.

And so I thank Dr. Jones for the optimism and determination he and his wife exhibited in paving a path for scientific advancement and for the contributions he has made throughout his career in improving the lives of those suffering from infertility. Happy 100th Birthday, Dr. Jones.

RECOGNIZING THE ACHIEVEMENTS OF AEROJET'S ORANGE, VIRGINIA EMPLOYEES

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. CANTOR. Madam Speaker, I rise today to recognize the employees of Aerojet-General Corporation's Orange, Virginia production facility and their achievement of the milestone delivery of the 1,000th solid propellant rocket motor for the Nulka active ship decoy system to the United States Navy.

Aerojet is a world-recognized aerospace and defense leader principally serving the missile, space propulsion and armaments markets. This most significant milestone will be commemorated with a celebration ceremony held in Orange, Virginia on Thursday, September 30, 2010.

Nulka is a rapid response active expendable decoy system that protects naval surface combatants from the threat of anti-ship missiles. The Nulka solid rocket motor is the prime propulsion system for the U.S., Royal Australian and Canadian navies, and has been manufactured in Orange, Virginia since 2004. Nulka is one of a number of U.S. and allied Navy propulsion programs produced at Orange which utilize advanced technologies to protect our Nation's servicemembers and those of our allies, while also generating significant employment opportunities for the area.

On the occasion of this milestone, I am proud to recognize the dedicated, hardworking employees of Aerojet in Orange and this latest of their many achievements in support of our courageous men and women who serve in the U.S. Armed Forces. These Virginians are working hard to ensure our men and women in uniform are protected and have the resources they need to carry out their missions effectively and quickly and they are most deserving of our sincere appreciation.

IN RECOGNITION OF THE 7TH ANNUAL KIT'S MIRACLE MILE AND BRAIN INJURY SERVICES, INC.

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the 7th Annual Kit's Miracle Mile 10k Run/Walk and Brain Injury Awareness Fair. This event serves to raise money and awareness to better treat and understand those suffering from traumatic brain injury.

Brain Injury Services, Inc., BIS, works to assist those living with the consequences of a traumatic brain injury. Since 1989, BIS has offered services to residents throughout the northern Virginia area. Individuals suffering from traumatic brain injuries often require help learning to navigate the world with reduced cognitive functions. BIS addresses the needs of these individuals with professional experience and compassion in connecting people with the information and resources they need to be successful in their daily lives. With roughly 500 cases at any given time, BIS provides independent living skills training, respite care, specialized clubhouse programs and social skills training, often at no cost to individuals or families.

Kit's Miracle Mile is named after Kit Callahan, whose life was touched by the work of Brain Injury Services, Inc. A graduate of Virginia Tech, Kit was athletic and motivated to begin a career in finance. He pursued this endeavor by taking a job as a runner at the Chicago Commodities Exchange. Shortly after his move to Chicago, Kit suffered a traumatic brain injury, which would change his life forever. Although Kit narrowly survived, he suffered traumatic brain damage which would require him to relearn many of the day-to-day activities that most of us take for granted. He was fortunate in that he had strong community partners like Brain Injury Services, Inc. to help him navigate the challenges he faced. Kit also possessed a determination to return to a productive life and pursue the goals he had set before his injury. Through case management and training, his family became able to assist Kit in restoring his ability to be independent and maintain employment. Although to this day Kit requires the care and assistance of his family, his miraculous recovery from near death is an inspiration to everyone suffering from a traumatic brain injury.

Madam Speaker, I ask that my colleagues join me in recognizing Brain Injury Services Inc. and the important work they perform in the community and in honoring Kit Callahan for his courage and determination to recover and return to productive life. I would also like to express my sincere gratitude to the many volunteers and staff who contribute their time and energy to make this organization and the annual run/walk possible.

HONORING GLORIA AUSTIN

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. STEARNS. Madam Speaker, I rise today to honor a great Floridian, an internationally recognized leader in the equestrian world, founder of the Florida Carriage Museum, and the president of the Equine Heritage Institute—Ms. Gloria Austin of Weirsdale, Florida.

Ms. Austin has been justifiably credited with being responsible for educating, celebrating and preserving the history of the horse and its role in shaping world civilization and changing lives through the creation of the Florida Carriage Museum and Equine Heritage Institute.

Ms. Austin brings to her passion for all things equine an astute understanding of how beneficial involvement with horses can be to those who have development and/or physical disabilities. She has a long and storied history of actively advocating for this needy population with both financial and therapeutic support.

She has recently expanded her support into the area of providing assistance to include helping physically and mentally challenged service veterans. Her willingness to give back to those who have given so much has been justifiably lauded by numerous veterans groups as commendable.

I would be remiss if I did not acknowledge that Ms. Austin has been involved with the equine world for almost 7 decades. I have stated many of her outstanding accomplishments, but perhaps her greatest legacy to equestrian society will through her establishment of meaningful educational programs offered in the partnership with leading collegiate

educational institutions, and the creation of the highly acclaimed Florida Carriage Museum. These attributes will have a lasting impact well beyond the lifespan of Ms. Austin.

Madam Speaker, please join me in honoring this outstanding leader and benefactor for her humanitarian accomplishments in the equestrian world.

TESTIMONY OF MR. CHRISTOPHER COATES BEFORE THE U.S. COMMISSION ON CIVIL RIGHTS REGARDING UNEQUAL ENFORCEMENT OF THE LAW

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. WOLF. Madam Speaker, I submit a copy of my September 23, 2010, letter to Attorney General Holder strongly supporting the decision of Mr. Christopher Coates to comply with a subpoena to appear before the U.S. Commission on Civil Rights. Mr. Coates contacted me prior to his testimony to share this information and he requested all applicable federal whistleblower protections.

I also submit a portion of Mr. Coates' testimony before the U.S. Commission on Civil Rights in which he discusses the unequal enforcement of federal voting laws by political and career officials in the Department of Justice.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 23, 2010.

Hon. ERIC H. HOLDER, Jr.,
Attorney General, U.S. Department of Justice, Washington DC.

DEAR ATTORNEY GENERAL HOLDER: I write to strongly support Mr. Christopher Coate's decision to comply with a federal subpoena to appear before the U.S. Commission on Civil Rights. I also wanted to make you aware that prior to appearing before the commission, Mr. Coates contacted me to share similar information relating to the equal enforcement of federal voting laws.

Mr. Coates has every right to bring this information to a Member of Congress as well as a responsibility to comply with the commission's subpoena, despite the department's obstruction. I trust that Mr. Coates will face no repercussion for his decision and expect you to inform political and career supervisors to respect his decision.

As you are aware, the 1912 Anti-Gag Legislation and Whistleblower Protection Laws for Federal Employees guaranteed that ''the right of any persons employed in the civil service . . . to petition Congress, or any Member thereof, or to furnish information to either House of Congress, or to any committee or member thereof, shall not be denied or interfered with.'' (37 Stat. 555, 1912; codified at 5 U.S.C. 7211, 1994)

Additionally, you should be aware that federal officials who deny or interfere with employees' rights to furnish information to Congress are not entitled to have their salaries paid by the taxpayers. As ranking member on the House Commerce-Justice-Science Appropriations subcommittee, I assure you that I take this statute very seriously and will do everything in my power to enforce it should any negative actions be taken against Mr. Coates as a result of his decision to contact Congress and appear before the commission.

A copy of this letter and Mr. Coate's testimony before the commission will be submitted to the Congressional Record for public review.

Sincerely,

FRANK R. WOLF,
Member of Congress

TESTIMONY OF CHRISTOPHER COATES—U.S. COMMISSION ON CIVIL RIGHTS, SEPTEMBER 24, 2010

Good morning, Chairman Reynolds, Vice-Chair Thernstrom, and other members of this Commission. I am here to testify about the Department of Justice's (DOJ) final disposition of the New Black Panther Party (NBPP) case and the hostility in the Civil Right Division (CRD) and Voting Section toward the equal enforcement of some of the federal voting laws.

This Commission served me with a subpoena in December 2009 to testify in its investigation of the DOD's actions in the NBPP case. Since service of that subpoena, I have been instructed by DOJ officials not to comply with it. I have communicated with these officials, including Assistant Attorney General for Civil Rights, Thomas Perez, and expressed my view that I should be allowed to testify concerning this important civil rights enforcement issue. I have pointed out that I have personal knowledge that is relevant to your investigation—personal knowledge that Mr. Perez does not have—because he was not serving as AAG for Civil Rights at the time of the final disposition of the NBPP case. My requests to be allowed to testify and your repeated requests to the DOJ for it to allow me to respond to the lawfully-issued subpoena have all been denied.

Furthermore, I have reviewed the written statements and the testimony that Mr. Perez and others from the DOJ have given to this Commission and to Congress concerning the CRD's enforcement activities, including its enforcement activities in the NBPP case. In addition, I have reviewed Mr. Perez' August 11, 2010 letter to this Commission in which he again denied your request that I be allowed to testify before you and in which he made various representations concerning the CRD's enforcement practices. Based upon my own personal knowledge of the events surrounding the CRD's actions in the NBPP case and the atmosphere that has existed and continues to exist in the CRD and in the Voting Section against fair enforcement of certain federal voting laws, I do not believe these representations to this Commission accurately reflect what occurred in the NBPP case and do not reflect the hostile atmosphere that has existed within the CRD for a long time against race-neutral enforcement of the Voting Rights Act (VRA).

In giving this testimony, I do not claim that Mr. Perez has knowingly given false testimony to either this Commission or to Congress. Indeed, as I have previously indicated, Mr. Perez was not present in the CRD at the time the decisions were made in the NBPP case, and he may not be fully aware of the long-term hostility to the race-neutral enforcement of the VRA in either the CRD or in the Voting Section. Instead, my testimony claims that DOJ's public representations to this Commission and other entities do not accurately reflect what caused the dismissals of three defendants in the NBPP case and the very limited injunctive relief obtained against the remaining defendant, and they do not accurately describe the long-standing opposition in the CRD and in the Voting Section to the equal enforcement of the provisions of the VRA.

I did not lightly decide to comply with your subpoena in contradiction to the DOJ's directives not to testify. I had hoped that this controversy would not come to this point; however, I have determined that I will no longer fail to respond to your subpoena and thereby fail to provide this Commission accurate information pertinent to your investigation. Quite simply, if incorrect representations are going to successfully thwart inquiry into the systemic problems regarding race-neutral enforcement of the VRA by the CRD—problems that were manifested in the DOJ's disposition of the NBPP case—that end is not going to be furthered or accomplished by my sitting silently by at the direction of my supervisors while incorrect information is provided. I do not believe that I am professionally, ethically, legally, much less, morally bound to allow such a result to occur. In addition, in giving this testimony I am claiming the protections of all applicable federal whistleblower statutes.

On the other hand, in giving this testimony I will not answer questions which will require me to disclose communications in the NBBP case that are protected by the deliberative process privilege. That privilege that the DOJ has asserted in this matter can, in my opinion, be protected while at the same time, I can provide you information that you need to conduct your investigation—indeed, first hand information you will not have if I do not testify—that respects the privilege.

THE IKE BROWN CASE

To understand what occurred in the NBPP case, those action must be placed in the context of United States v. Ike Brown et al. Prior to the filing of the Brown case in 2005, the CRD had never filed a single case under the VRA in which it claimed that white voters had been subjected to racial discrimination by defendants who were African American or members of other minority groups. Moreover, the CRD and the Voting Section had never objected to any voting change under the preclearance requirement of Section 5 of the VRA on the ground that the change had a racially discriminatory purpose or effect on white voters. (No such objection, even in jurisdictions that have majority-minority populations, has been interposed to date. I will return to that subject later in my presentation.) I am very familiar with the reaction of many employees, both line and management attorneys and support staff in both the CRD and the Voting Section, to the Ike Brown investigation and ease because I was the attorney who initiated and led the investigation in that matter and was the lead trial attorney throughout the case in the trial court.

Opposition within the Voting Section was widespread to taking actions under the VRA on behalf of white voters in Noxubee County, MS, the jurisdiction in which Ike Brown is and was the Chairman of the local Democratic Executive Committee. In 2003, white voters and candidates complained to the Voting Section that elections had been administered in a racially discriminatory manner and asked that federal observers be sent to the primary run-off elections. Career attorneys in the Voting Section recommended that we not even go to Noxubee County for the primary run-off to do election coverage, but that opposition to going to Noxubee was overridden by the Bush Administration's CRD Front Office. I went on the coverage and while traveling to Mississippi, the Deputy Chief who was leading that election coverage asked me, ''can you believe that we are

going to Mississippi to protect white voters?'' What I observed on that election coverage in Noxubee County was some of the most outrageous and blatant racially discriminatory behavior at the polls committed by Ike Brown and his allies that I have seen or had reported to me in my thirty three-plus years as a voting rights litigator. A description of this wrongdoing is well summarized in Judge Tom bee's opinion in that case, which is reported at 494 F. Supp. 2d 440 (2007) and in the Fifth Circuit Court of Appeals' opinion affirming the judgment and injunctive relief against Mr. Brown and the local Democratic Executive Committee, which is reported at 561 F. 3d 420 (2009).

Sometime, as best I recall, in the winter of 2003–04 I wrote a preliminary memorandum summarizing the evidence we had to that point and made a recommendation as to what action to take in Noxubee County. In that memorandum, I recommended that the Voting Section go forward with an investigation under the VRA and argued that a civil injunction against Ike Brown and the local Democratic Executive Committee was the most effective way of stopping the pattern of voting discrimination that I had observed. I forwarded this memorandum to Joe Rich who was the Chief of the Voting Section at that time. I later found out that Mr. Rich had forwarded the memorandum to the CRD Front Office, but he had omitted the portion of the memorandum in which I discussed why it was best to seek civil injunctive relief in the Brown case. Because I am aware that Mr. Rich and Mr. Hans von Spakovsky have filed conflicting affidavits on this point with this Commission, I believe that I am at liberty to address this issue without violating DOJ privileges.

I want to underscore that my memorandum in which Mr. Rich omitted portions was not the subsequent justification memorandum that sought approval to file the case in Noxubee County, but was a preliminary memorandum that sought permission to go forward with the investigation. Nevertheless, it is my clear recollection that Mr. Rich omitted a portion of my memorandum—a highly unusual act—and that I was later informed by the Division Front Office that Mr. Rich had stated that the omission was because he did not agree with my recommendation that the investigation needed to go forward or that a civil injunction should be sought. Nevertheless, approval to go forward with the investigation was obtained from the Bush Administration CRD Front Office in 2004.

Once the full investigation into Ike Brown's practices commenced, opposition to it by career personnel in the Voting Section was widespread. Several examples will suffice. I talked with one career attorney with whom I had previously worked successfully in a voting case and ask him whether he might be interested in working on the Ike Brown case. He informed me in no uncertain terms that he had not come to the Voting Section to sue African American defendants. One of the social scientists who worked in the Voting Section and whose responsibility it was to do past and present research into a local jurisdiction's history flatly refused to participate in the investigation. On another occasion, a Voting Section career attorney informed me that he was opposed to bringing voting rights cases against African American defendants, such as in the Ike Brown case, until we reached the day when the socio-economic status of blacks in Mississippi was the same as the socio-economic status of whites living there. Of course, there is nothing in the statutory language of the VRA that indicates that DOJ attorneys can decide not to enforce the racial-neutral prohibitions in the Act against racial discrimination or intimidation until socio-economic parity is achieved between blacks and whites in the jurisdiction in which the cases arises.

But with the help of one attorney and one paralegal who was new to the Voting Section, and the support of the CRD Front Office, we were able to investigate and bring suit. By the time the case went into discovery and to trial in 2007, the Bush Administration had hired some attorneys, such as Christian Adams and Joshua Rogers, who did not oppose working on lawsuits of this kind. They and I were able to complete discovery and try the case and win and obtain meaningful injunctive relief, including the removal of Ike Brown from his position as Superintendent of the Democratic Primary elections. However, I have no doubt that this investigation and case would not have gone forward if the decision had been ultimately made by the career managers in the Voting Section when the case was first approved for investigation and then filing.

A regrettable incident occurred during the trial of the case. A young African American who worked in the Voting Section as a paralegal volunteered to work on the Ike Brown case, and he later volunteered to work on the NBPP case. Because of his participation in the Ike Brown case, he and his mother who was an employee in another Section of the CRD were harassed by an attorney in that other Section and by an administrative employee and a paralegal in the Voting Section. I reported this to the Bush Administration CRD Front Office, and the harassment was addressed.

But even after the favorable ruling in the Ike Brown case, opposition to it continued to occur. At a meeting with CRD management in 2008 concerning preparations for the general election, I pointed to the ruling in the Ike Brown case as precedent supporting race-neutral enforcement of the VRA. Mark Kappelhoff, then Chief of the CRD's Criminal Section, complained that the Brown case had caused the CRD problems in its relationship with civil rights groups. Mr. Kappelhoff was correct in claiming that a number of these groups are opposed to the race-neutral enforcement of the VRA, that they only want the Act enforced for the benefit of racial minorities, and that they had complained bitterly about the Ike Brown case. But of course, what Mr. Kappelhoff had not factored in his criticism of the Brown case was that the primary role of the CRD is to enforce the civil rights laws enacted by Congress, not to serve as a ''crowd pleaser'' for many of the civil rights groups.

Many of those groups on the issue of race-neutral enforcement of the VRA frankly have not pursued the goal of equal protection of law for all people. Instead, many of these groups act, as they did in the Brown case, not as civil rights groups, but as special interest lobbies for racial and ethnic minorities and demand, not equal treatment, but enforcement of the VRA only for racial and language minorities. Such a claim for unequal treatment is the ultimate demand for preferential racial treatment.

When I became Chief of the Voting Section in 2008 and because I had experienced, as I have described, employees in the Voting Section refusing to work on the Ike Brown case, I began to ask applicants for trial attorney positions in their job interviews whether they would be willing to work on cases that involved claims of racial discrimination against white voters, as well as cases that involved claims of discrimination against minority voters. For obvious reasons, I did not want to hire people who were politically or ideologically opposed to the equal enforcement of the voting statutes the Voting Section is charged with enforcing. The asking of this question in job interviews did not ever, to my knowledge, cause any problems with the applicants to whom I ask that question, and in fact every applicant to whom I asked the question responded that he or she would have no problem working on a case involving white victims such as in the Ike Brown case.

However, word that I was asking applicants that question got back to Loretta King. In the spring of 2009, Ms. King, who by then had been appointed Acting AAG for Civil Rights by the Obama Administration, called me to her office and specifically instructed me that I was not to ask any other applicants whether they would be willing to, in effect, race-neutrally enforce the VRA. Ms. King took offense that I was asking such a question of job applicants and directed me not to ask it because she does not support equal enforcement of the provisions of the VRA and had been highly critical of the filing and civil prosecution of the Ike Brown case. From Ms. King's view, why should I ask that question when a response that an applicant would not be willing to work on a case against minority election officials would not in any way, in her opinion, weigh against hiring that applicant to work in the Voting Section.

The election of President Obama brought to positions of influence and power within the CRD many of the very people who had demonstrated hostility to the concept of equal enforcement of the VRA. For example, Mr. Kapplehoff, who had complained in 2008 that the Brown case had caused problems with civil rights groups, was appointed as the Acting Chief of Staff for the entire CRD. And Loretta King, the person who forbid me even to ask any applicants for a Voting Section position whether he or she would be willing to enforce the VRA in a race-neutral manner, was appointed as Acting Assistant Attorney General for Civil Rights.

Furthermore, one of the groups who had opposed the CRD's civil prosecution of Ike Brown case the most adamantly was the NAACP Legal Defense Fund (LDF), through its Director of Political Participation, Kristin Clark. Ms. Clarke has spent a considerable amount of her time attacking the CRD's decision to file and prosecute the Ike Brown case. Grace Chung Becker, the Acting AAG for Civil Rights during the last year of the Bush Administration, and I were involved in a meeting in the fall of 2008 with representatives of a number of civil rights organizations concerning the Division's preparations for the 2008 general election. At this meeting Ms. Clarke spent considerable time criticizing the Division and the Voting Section for bringing the Brown case when, in fact, the district court had already ruled in the case. Indeed, it was reported to me that Ms. Clarke approached an African American attorney who had been working in the Voting Section for only a short period of time in the winter of 2009 before the dismissals in the NBPP case and asked that attorney when the NBPP case was going to be dismissed. The Voting Section attorney to whom I refer was not even involved in the NBPP case. This reported incident led me to believe in 2009 that LDF Political Participation Director, Ms. Clarke, was lobbying for the dismissal of the NBPP case.

CONGRATULATING MS. MADIE TILLMAN

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. TURNER. Madam Speaker, it is my privilege to acknowledge a hardworking community leader from Ohio's Third Congressional District.

Ms. Madie Tillman was recently honored as a recipient of the ''Living Witness for Christ'' Award at the 64th Annual Convention of the African Methodist Episcopal (AME) Church, Third District Lay Organization. This year's convention was held in Washington, Pennsylvania on July 29–31, 2010.

Each year, the Living Witness for Christ Award recognizes a Lay person for their work in response to God's call for Christian service. It is the highest award given to a Lay person. The award was presented by Bishop C. Garnett Henning, Sr., Presiding Prelate of the Third Episcopal District and Dr. Willie C. Glover, International Lay President.

Ms. Tillman is an active member of the Greater Allen AME Church, located at 1620 West Fifth Street in Dayton, Ohio. She serves on the Trustee Board, the Finance Committee, and is Treasurer of the Lay Organization. She holds positions on the conference and district levels of the Lay Organization of the AME Church. Ms. Tillman is also an active member of the Dayton Alumnae Chapter of Delta Sigma Theta Sorority.

As the widow of a veteran, Ms. Tillman has been a dedicated advocate for veterans and their families through her volunteer work at the Dayton VA Medical Center, and as a member of the General Daniel ''Chappie'' James American Legion Auxiliary, Unit 776, in Riverside, Ohio. She serves as President of both the Midwest Region and the Miami Valley Chapter of the Gold Star Wives of America.

I appreciate this opportunity to recognize a good and compassionate citizen, Ms. Madie Tillman, for her devotion to our community and our Nation's veterans, and I congratulate her on receiving this prestigious award.

HONORING DIVERSE AND RESILIENT, INC.

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Ms. BALDWIN. Madam Speaker, I rise today to commend Diverse and Resilient, Inc. on their 15 years of success and their critical contributions to the health and well-being of lesbian, gay, bisexual, and transgender, LGBT, organizations, citizens, and their allies.

Diverse and Resilient is a nonprofit public benefit organization that has been vital to the development of public health leadership on behalf of LGBT people in Wisconsin communities for 15 years.

Diverse and Resilient has been a pioneer in the development of community health workers who promote participation in healthy activities, dissuade health risk behaviors, and engage all sectors within the LGBT communities across Wisconsin.

Further, Diverse and Resilient projects and activities are dedicated to building capacity of LGBT individuals, organizations, and their allies to meet the public health needs of Wisconsin's LGBT communities in Madison, Milwaukee, Eau Claire, Appleton, and La Crosse.

I am particularly grateful to Diverse and Resilient for bringing to light the alarming health disparities that exist for LGBT youth and adults through its tireless advocacy to include important demographic questions in national and State health surveys.

This organization has taken leadership in national, State, and local public health planning and fostered partnerships in public health, secondary and post-secondary education, communities of color, healthcare, and advocacy.

I honor the commitment, leadership, and zestfulness of the founding director, Dr. Gary Hollander, the board of directors, the dedicated staff, youth advisors, and community health workers of Diverse and Resilient as they celebrate 15 years of vital contributions to our community.

CELEBRATING THE 50TH ANNIVERSARY OF GODFREY, ILLINOIS LIONS CLUB

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the 50th Anniversary of the Godfrey, Illinois Lions Club.

The Godfrey Lions Club, chartered in February 1960, has been a model service organization in the Riverbend region of Southwestern Illinois for half a century. As part of The International Association of Lions Clubs, the Godfrey Lions Club is part of a 45,000 club association with 1.35 million members worldwide. The Lions Clubs are known for their work assisting those with vision and hearing impairments and the Godfrey Lions Club has followed that service goal by providing eyeglasses, hearing aids and eye exams to students in the Alton School District. Some of the other community services they provide include infant hearing screenings, support of centers that provide service for battered women and children, stocking food crisis centers, and support of diabetes education programs at area hospitals.

While service to individuals in need is an important role of the Godfrey Lions Club, they contribute to their community in many other ways as well, such as planting flowers at a local park and participating in community and holiday festivals.

The Godfrey Lions Club is made up of people who believe that communities are built by people helping each other. The Lions Club motto is very simple, ''We Serve,'' and throughout its 50-year existence the Godfrey Lions Club has been true to that basic premise.

Madam Speaker, I ask my colleagues to join me in congratulating the members of the Godfrey, Illinois Lions Club on their 50th Anniversary and wishing them the very best for many more years of service to their community.

HONORING BETH JEWELL, RECIPIENT OF THE 2010 NATIONAL MARINE EDUCATION ASSOCIATION OUTSTANDING TEACHER AWARD

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to recognize Beth Jewell, the recipient of the 2010 National Marine Education Association Outstanding Teacher Award. This award is given annually to a teacher who demonstrates a dedication to the teaching of marine education and a dynamic and effective teaching style. The National Marine Education Association presented this award to Ms. Jewell at its annual conference, held this year in Gatlinburg, Tenn.

Ms. Jewell is currently a biology and oceanography teacher at West Springfield High School, where she has taught since 1986. Throughout her time as an educator, she has participated in various career development programs such as the Maury Project, a national teacher enhancement program administered by the American Meteorological Society; the Japan Fulbright Memorial Fund Program, providing fully-funded academic tours of Japan for administrators and teachers; and the ARMADA Project, providing peer mentoring and environmental science research opportunities for kindergarten through twelfth grade teachers associated with the National Science Foundation. Additionally, Ms. Jewell has participated in the Teacher at Seas program of the National Oceanic and Atmospheric Administration as well as served as an Einstein Fellow, allowing her to affect public policy as well as the sciences. She has used each of these experiences to enrich the classroom experience for her students. She even shared her experience with her students in real time through the Internet. Ms. Jewell also serves as the Secretary for the National Marine Education Association and has been the President of the Mid-Atlantic Marine Education Association.

Madam Speaker, I ask my colleagues to join me in honoring Beth Jewell for being recognized as the 2010 National Marine Education Association Outstanding Teacher for her innovation in the classroom and for providing such a tremendous learning experience for the students at West Springfield High School.

HONORING THE LIFE OF DR. ROLAND CHAMBLEE

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. DONNELLY of Indiana. Madam Speaker, today I rise to honor the life of a distinguished physician, civil rights activist, and war

hero, Dr. Roland Chamblee of South Bend, Indiana. Sadly, Dr. Chamblee passed away on September 23, 2010 at the age of 86. Dr. Chamblee was born on November 23, 1923 in Atlanta, Georgia. He served in World War II, achieved the rank of First Lieutenant with the Army Corps of Engineers in the European Theater of Operations, and received a Purple Heart for injuries suffered while disarming landmines in Normandy. Upon his return to the United States, Dr. Chamblee completed a Bachelor of Science degree from Tennessee State University and a PhD from Meharry Medical College.

In 1953, Dr. Chamblee, his first wife, Dorothy, and the first three of their six children moved to South Bend where he interned at St. Joseph Hospital. He established a medical practice one year later, becoming one of just a few African American doctors in the city. He went on to deliver several generations of babies, care for thousands of patients and dedicate himself to making health care available to all. He and Dorothy raised six children: Michaele, Daryl, Roland Jr., Alan, Marquita, and Ruth. Dorothy passed away in 1995. He is survived by his second wife, Donna, whom he married in 2003, his six children, two step children, 14 grandchildren, and one great grandchild.

Dr. Chamblee was a tireless champion for civil rights, served as the local president of the NAACP, Urban League, and United Negro Council, and attended the 1963 March on Washington. His devotion to human rights led him to take his wife and two youngest children to Uganda in 1972, where he provided health care for villagers, many of whom were impressed by the doctor who would actually touch them, despite the risk of contracting their diseases. He continued serving the poor when he returned to South Bend, becoming the co-founder and medical director of the Chapin Street Clinic, which provides health care to the uninsured.

Dr. Chamblee continued to promote public health as the director of the St. Joseph County Health Department. He has served on the boards of St. Joseph Regional Medical Center, Indiana University South Bend Board of Advisors, and Catholic Social Service, received an honorary doctoral degree from the University of Notre Dame, and was appointed by Pope Paul VI as a member of the Equestrian Order of the Knights of St. Gregory the Great, in recognition of his good character and notable accomplishments. He is the recipient of too many awards to count, having worked with numerous professional, service-related, and human rights organizations.

Despite his many professional successes, he considered his greatest accomplishment to be his children. His son, Judge Roland Chamblee Jr., noted that no matter how late he worked due to his service to others, the family always ate dinner together. He will be dearly missed by his family and all whose lives were touched by his friendliness, his generosity, and his devotion to fairness and unity. It is with great pride and honor that I enter Dr. Roland Chamblee's name into the United States CONGRESSIONAL RECORD.

HOLY REDEEMER HEALTH SYSTEM ANNIVERSARIES

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate Holy Redeemer Health System in Meadowbrook, Montgomery County, Pennsylvania on the momentous occasion of Holy Redeemer St. Joseph Manor's 75-year and Holy Redeemer Hospital's 50-year anniversaries. These milestones will be celebrated with an Anniversary Mass on Sunday, October 17, 2010.

In 1924, a group of Catholic Sisters journeyed from their home in Werzburg, Germany, to Baltimore, Maryland, and then Philadelphia, Pennsylvania to continue their ministry of service to those challenged by poverty and illness. The Sisters cared for the sick and elderly in their homes. Through their homecare visits, they recognized the need for a home for the elderly to provide for their security, as well as their spiritual and physical comfort. To meet this need they purchased a 45-acre estate in Meadowbrook, Pennsylvania and in 1936 celebrated the groundbreaking for Holy Redeemer St. Joseph Manor.

St. Joseph Manor opened its doors on June 11, 1937, accommodating 125 residents. In its beginning days, the Sisters ran the Manor and did all of the nursing, cooking, cleaning, washing, and gardening as a demonstration of their heartfelt care for all of the residents. St. Joseph Manor was funded solely on donations, ''built by good people for the good of people.''

As their endeavor grew, the Sisters' desire to realize their dream of providing a hospital for Northeast Philadelphia and Montgomery County grew ever stronger. In the mid-1950s the Sisters donated a portion of their land to build Holy Redeemer Hospital. The Sisters, along with civic-minded citizens and friends, raised the funds for the construction of the $3.5 million, 217-bed community hospital which was dedicated on December 8, 1958 and officially opened in March 1959.

Through Holy Redeemer St. Joseph Manor's 75-year and Holy Redeemer Hospital's 50-year history, buildings have expanded, updated technology, and developed treatment techniques. What has remained constant is the unwavering commitment to ''care, comfort and heal'' those under the health system's care. The Holy Redeemer Health System has grown to include nearly 4000 staff members who provide services through the Delaware Valley and in 11 counties in New Jersey.

Please join me in wishing Holy Redeemer Health System congratulations on these milestone anniversaries. I am proud to have had the privilege of visiting the Hospital itself and representing Holy Redeemer in the U.S. Congress.

RECOGNITION OF A NEW POSTGRADUATE PROGRAM IN DENTISTRY OF THE UNITED STATES AIR FORCE

HON. DONNA F. EDWARDS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Ms. EDWARDS of Maryland. Madam Speaker, I rise today in recognition of a new postgraduate educational program in dentistry of the United States Air Force. The Uniformed Services University of the Health Sciences, USUHS, and the United States Air Force, USAF, Dental Service have collaborated to provide a Master of Science in Oral Biology. The recently accredited USAF Postgraduate School of Dentistry is a unique partnership between USUHS and the 59th Medical Wing at Wilford Hall Medical Center on Lackland Air Force Base, Texas. The newly established Air Force postgraduate educational program in dentistry will give our airmen and women the opportunity to receive an accredited master's degree in oral biology for the first time in its history. The initiative was spearheaded by Major General Gar S. Graham, Assistant Surgeon General for Dental Services and Commander of the 79th Medical Wing at Joint Base Andrews, Maryland. This is another step towards fulfilling our commitment to providing our servicemembers with the educational opportunities they deserve. The class of summer 2010 will be the first class eligible to receive this prestigious degree through USUHS.

CONGRATULATING JUDGE JAMES LAWRENCE KING FOR HIS 40TH ANNIVERSARY OF HIS INVESTITURE AS A UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to congratulate Judge James Lawrence King on the 40th anniversary of his investiture as a United States District Judge for the Southern District of Florida.

Judge King was nominated by President Richard Nixon for his appointment as a United States District Judge for the Southern District of Florida in 1970. Judge King was approved by the Senate and sworn in later that year. In 1984, Judge King was elevated to Chief Judge of the Southern District of Florida, where he served for the duration of his seven year term ending in 1991. In 1992, Judge King achieved Senior Judge status.

Throughout his career, Judge King has carried himself with great integrity, respect, and dedication in everything he has done for both his profession and community. After graduating from the University of Florida College of Law, Judge King served active duty as a First Lieutenant in the Air Force Judge Advocacy General's Department during the Korean War.

In 1955, Judge King began his career in private practice, joining the Miami Beach law firm of Sibley & Davis as an associate. Judge King advocated in private practice until 1964, when he was appointed Circuit Judge for the Eleventh Judicial Circuit of Florida. Judge King remained on the Eleventh Circuit until his appointment to the federal bench in 1970. During his time on the Eleventh Circuit, Judge King served temporary appointments to the Florida Supreme Court as well as the Second, Third, and Fourth District Courts of Appeal of Florida.

Judge King has been recognized on numerous occasions throughout the state of Florida including the Lifetime Achievement Award from the Greater Miami Jewish Federation Commerce and Professions' Attorneys Division and an honorary Doctorate of Humanities from St. Thomas University. He has been the commencement speaker at both the University of Florida College of Law and St. Thomas University School of Law. On April 30, 1996, the United States Congress renamed the United States Courthouse in Miami: The James Lawrence King Federal Justice Building.

The Judge is my personal friend of longstanding. I know no one that has done more to insure justice, fairness, and equality.

Madam Speaker, I am privileged to recognize Judge King for his dedication to the legal profession, public service, and to the South Florida community as a whole. I take this moment of personal privilege to acknowledge his service to our nation and the many years of friendship we have enjoyed together.

HONORING MOTHER NORMA L. BURRELL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. KILDEE. Madam Speaker, on September 25th through September 30th the Northeast Michigan (Historic First) Jurisdiction Church of God in Christ, Incorporated is holding its 59th Jurisdictional Women's Convention at Civic Heights Church of God in Christ in my hometown of Flint, Michigan. The host will be Mt. Zion District Superintendent Samuel Marsh, District Missionary is Jessie Wortham and Bishop P.A. Brooks is the Jurisdictional Prelate, First Assistant Presiding Bishop, Church of God in Christ Worldwide.

Presiding at the Convention is Mother Norma L. Burrell, Jurisdictional Supervisor. Mother Burrell has an extensive history of church service going back to 1955 when she received her Missionary's License. She has served under and received appointments from each successive Supervisor of Women in the Historic First Jurisdiction of Michigan since that time. Mother Burrell is the 7th Supervisor in the Succession. She has also held appointments in the National Women's Department of the Church of God in Christ for more than 50 years.

Mother Burrell attended Baker Business College, Cortez Peters College of Business and Northwestern University. When she retired from Child and Family Services after 29 years of service, she was the Comptroller of Finance. She was married to the late Pastor Arthur George Burrell and has three children from a previous marriage.

Madam Speaker, please join me in congratulating Mother Norma L. Burrell as she presides over the 59th Jurisdictional Women's Convention. I pray that the attendees benefit from her spiritual guidance, her deep faith in Our Lord, Jesus Christ, and draw inspiration from her enthusiasm for spreading the Gospel.

HONORING JOHN W. HARROD

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Ms. NORTON. Madam Speaker, I rise today to ask the House of Representatives to join me in honoring the life of John W. Harrod, who was instrumental in establishing the Market 5 Art Gallery in Washington, D.C. and was its president during 30 years of devoted service to the Market 5 Art Gallery.

In the late 1970s, the first District of Columbia Mayor, Walter E. Washington, started a neighborhood arts initiative, and Mr. Harrod launched the Market 5 Art Gallery. The community embraced John Harrod's work in establishing a facility for comprehensive artistic expression, including poetry readings, dance performances, and theater productions, as well as a workspace for artists, musicians, and theater troupes.

Through the Market 5 Art Gallery, John Harrod committed himself to serving the community and filling the void in artistic education in the neighborhood. With John's assistance, a colleague from the Peace Corps was able to start a photography shop for at-risk youth. Throughout its 30 years in the Capitol Hill neighborhood, Market 5 Art Gallery has served as an exhibitor of work by aspiring youth and local and national artists. Market 5 Art Gallery grew in popularity through the Saturday arts and crafts festivals and Sunday flea markets. The gallery remains an indispensible fixture of the community and serves as a prototype for art galleries.

Mr. Harrod graduated from Northeastern University, where he played football. Mr. Harrod was a District native and maintained residency here throughout his 69 years.

Madam Speaker, I ask the House of Representatives to join me in celebrating the life of John W. Harrod.

HONORING CAPTAIN GEORGE M. VUJNOVICH

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. BURTON of Indiana. Madam Speaker, as cofounder and cochair of the Congressional Serbian Caucus, I rise tonight to honor an outstanding Serbian-American, Captain (Ret.) George M. Vujnovich, who was recently awarded the Bronze Star Medal, for his heroic actions during World War II.

The Bronze Star is awarded to military service personnel for bravery, acts of merit or meritorious service. When awarded for bravery, it is the fourth-highest combat award of the United States Armed Forces. Captain Vujnovich's participation in the planning and execution of Operation Halyard—one of the most successful air force rescue missions in history and an operation so secret that the records were only declassified in 1997—certainly exemplifies the heroism required to receive this prestigious military honor.

Captain Vujnovich served with the Office of Strategic Services, the predecessor of the modern Central Intelligence Agency, CIA, and the wartime organization charged with coordinating activities behind enemy lines for the branches of the United States military. Operation Halyard evolved in the wake of the Allied bombing campaign to destroy Nazi Germany's vast network of petroleum resources in occupied Eastern Europe. The most vital target of bombing was the facilities located in Ploesti, Romania, which supplied 35 percent of Germany's wartime petroleum. Beginning in April 1944, bombers of the Fifteenth Allied Air Force began a relentless campaign to blast the heavily guarded facilities in Ploesti in an attempt to halt petroleum production altogether. By August, Ploesti was virtually destroyed—but at the cost of 350 bombers lost, with their crews either killed, captured, or missing in action.

The assault on Ploesti forced hundreds of Allied airmen to bail out over Nazi-occupied eastern Serbia, an area patrolled by the Allied-friendly Chetnik guerrilla army. When the Chetnik commander, General Draza Mihailovich, realized that Allied airmen were parachuting into his territory, he ordered his troops, as well as the local peasantry, to aid the aviators by taking them to Chetnik headquarters in Pranjani, Serbia, for evacuation.

General Mihailovich's attempts to alert American authorities to the situation regrettably initially failed to produce action. Fortunately, fate would have it that when Mirjana Vujnovich, a Serb employee of the Yugoslav embassy in Washington, DC, heard of the trapped airmen, she immediately wrote to her husband, Captain Vujnovich, stationed in Bari, Italy. As an American, descended from Serb parents, Vujnovich knew the region intimately and also knew how to escape from Nazi-occupied territory: he had been a medical student in Belgrade when Yugoslavia fell to the Axis powers in 1941, and he and his wife spent months sneaking through minefields and begging for visas before they finally escaped from Nazi-occupied Europe.

Captain Vujnovich made it his personal crusade to get the airmen home. From the outset though, Operation Halyard encountered opposition from Allied leaders—from the U.S. State Department, from communist sympathizers in the British Special Operations Executive, SOE, even from British Prime Minister Winston Churchill himself. It was an operation that seemed condemned from the start, but Captain Vujanovich persevered rather than let the mission die. His persistence eventually won out. Within only the first two days, Operation Halyard—which officially ran from August 9, 1944, through December 27, 1944—successfully retrieved 241 American and Allied airmen.

By the time the Operation was officially ended, Vujnovich's team had airlifted 512 downed Allied airmen to safety without the loss of a single life or aircraft—a truly impressive accomplishment.

Captain George Vujnovich's recognition as a hero and valued asset to this country and the United States Air Force is long overdue. Frankly, had the records of the operation not remained sealed until 1997, I feel certain Captain Vujanovich would have received this honor years ago. Nevertheless, the decades do not and cannot diminish the valor and patriotism of this extraordinary man. I ask all my colleagues to join me now to honor this Serbian-American hero, to thank him for his dedicated service to our country and to congratulate him for winning the Bronze Star. Captain Vujanovich, I salute you.

A TRIBUTE TO THE HISTORIC DETERDING FAMILY—PIONEERS OF CARMICHAEL, CA

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise today to recognize and honor the Deterding family for its legacy to Carmichael, California.

After the marriage between Charles Deterding and Mary Shields in 1894, along with their three children they forded the American River during the dry months to claim their homestead. This is where Charles and Mary Deterding established their legacy in Carmichael—on 425 acres of farmland that they continued to plough and live on.

The Deterdings' San Juan Meadow Farm was named for the old Mexican land grant on which Carmichael was later established. Their original farmhouse was on a bluff above what is now Ancil Hoffman Park. Clearing the land, they planted grains and raised livestock.

Mary's lasting impression on Carmichael was her generosity. She donated wood for settlers' cooking and heating. She was the first president of a local improvement club that eventually evolved into the Carmichael Chamber of Commerce. This visionary helped establish the irrigation company that became the Carmichael Water District.

A local school and an Arcade Park bear her name but Mary Deterding's legacy stands tallest in Palm Drive. The avenue that once led to the Deterding farmhouse is shaded by 88 date palms that Mary planted herself.

Younger generations of Deterdings have since included builders, property developers, teachers, landscapers, military and nursing careerists. In 2006, family ranks were reinforced by the famous McNulty babies—quadruplets. The only boy, Russ, is named for his great-grandfather.

Says patriarch Russ Deterding: ''As Mary and Charles' descendants, we have to admire how, 100 years ago, they survived such a challenging environment. Their work paved the way for what Daniel Carmichael developed. But nobody paved the way for Mary and Charles. They were the true pioneers.''

I am pleased to recognize and congratulate the Deterding family for over 100 years of contribution to the Carmichael community.

HONORING STETSON UNIVERSITY'S COLLEGE OF LAW ON ITS 110TH ANNIVERSARY

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. BILIRAKIS. Madam Speaker, I rise today to honor Stetson University's College of Law as it celebrates its 110th anniversary. Founded in 1900 in DeLand, Stetson was Florida's first law school. In 1954, the Law School moved to Gulfport, where a handful of students began classes. Today, it boasts an enrollment of more than 1,100 students.

As a proud graduate of Stetson Law School, I can attest to the esteemed community fostered by Stetson University's College of Law in which students learn the skills necessary to become excellent lawyers and effective leaders in society.

In addition to the acclaim received from its students, the law school has earned national and international attention for its exceptional programs in advocacy, elder law, environmental and biodiversity law, higher education law and policy, international law, legal writing, and professionalism.

Stetson University's College of Law has educated thousands of outstanding lawyers, judges, and community leaders over the past 110 years. My experience at Stetson Law nurtured my love of the law, which eventually led me to a career in public service as a member of the U.S. Congress.

Stetson has been a beneficiary of the work of philanthropists like Dolly and Homer Hand. Mrs. Hand holds the admirable designation of being Stetson Law's youngest graduate at the age of 20; additionally, she and her husband have also made tremendous contributions to the law school, as well as education throughout the State of Florida. Generations of Stetson graduates will surely benefit from the generosity of their contributions.

Madam Speaker I am truly honored to call Stetson Law School my alma mater and recognize it on its 110th anniversary. I look forward to watching future community leaders and scholars graduate and contribute to our Nation.

HONORING THE LADIES AUXILIARY OF THE BOONTON FIRE DEPARTMENT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the members of the Ladies Auxiliary of the Boonton Fire Department located in Morris County, New Jersey, as they celebrate 75 years of dedicated service to the community.

The Ladies Auxiliary of the Boonton Fire Department plays a vital role in the continued success of the Boonton Fire Department. From assisting at fire scenes, marching in parades, helping the fire department sponsor the Labor Day Celebration and raising funds, the Ladies Auxiliary has been a constant supporter of the fire department.

Every year, the Ladies Auxiliary holds numerous fundraisers, including bake sales, spaghetti dinners, and, for the past 20 years, a Tricky Tray. The funds generated from these events help supply new equipment for the department's fire trucks and firehouse. They also provide the Auxiliary with the resources to support a number of organizations, including Boonton Welfare Department, Boonton Kiwanis Ambulance Squad, and St. Barnabas Burn Center. Without the hard, dedicated work of the Ladies Auxiliary, the fire department and the community would lack a necessary support system.

Members of the Ladies Auxiliary range in age from 19 to 85-plus years. Many of their members have been active for over 25 years while some have remained active for over 50.

This group of women is truly one to be admired and applauded, not only for their dedication to the Boonton Fire Department, but also for their remarkable dedication to the Town of Boonton.

Madam Speaker, I ask you and my colleagues to join me in congratulating the Ladies Auxiliary of the Boonton Fire Department as they celebrate 75 years of service.