

the nation's capital. This collision was devastating for this region and for the nation's transit systems, as nine regional residents died, including seven from the nation's capital. Members of congress and their staff and many other federal employees of every rank form the majority of Metro's weekday riders. Millions of tourists, people who work in every sector and school children are regular riders. The collision has had nation-wide consequences. On September 22, 2010, even before its Metro study was complete, the NTSB issued nine nation-wide safety recommendations to address concerns about the safety of train control systems that use audio frequency track circuits, like those that contributed to the June 22nd train collision here, showing that low-cost recommendations are in order and might save lives.

The NTSB has been particularly vigilant in quickly reporting defects and operational problems to encourage remediation even before its final reports. In 1996, long before the June 22nd collision, the NTSB recommended that WMATA replace or retrofit its 1000-series train cars after a train overran a station platform, striking a standing, unoccupied train, and killing the driver of the striking train. The NTSB renewed this recommendation to replace or refurbish the older cars following the rollback accident in the Woodley Park Metro station in 2004, as it should have. The NTSB is not prohibited by statute from making interim recommendations for corrective actions, but low-cost recommendations were not made after any of the Metro accidents. This amendment clarifies that the NTSB does have such authority.

Even before the reasons for the June 22nd crash had been determined, it was evident that the striking car, which was a 1000-series train car, was significantly more damaged than the struck car, which was a newer 6000-series car. In fact, all of the fatalities were from the 1000-series car. Following the collision, the Amalgamated Transit Union Local 689 suggested that WMATA put the 1000-series cars between the newer, more crashworthy 6000-series cars. Unfortunately, without clarification of the regulatory authority provided by my provision, there have been no tests of crashworthiness either of the newer 6000-series cars or of the older 1000-series. However, the evidence from the crash suggests that 40-year-old cars may be more dangerous as lead and rear cars. The NTSB did not disagree with this interim step at a congressional hearing in July 2010, but it never recommended this or any other interim action, except action that is so costly that it cannot occur in a timely manner.

It is a well-known and frustrating fact that, for years, Metro has tried to convince Congress and its local jurisdictions to fund replacements for the old 1000-series cars and only in fiscal year 2010, after the tragic collision, did Congress appropriate the first \$150 million of the \$1.5 billion authorized in 2007. The 1000-series cars represent only 300 of Metro's 1,100-car fleet, but replacing those cars will cost \$600 million and take at least five years. Congress and members of our regional delegation had been working long before the collision to get from Congress the \$1.5 billion that has now been authorized for WMATA's urgent capital and preventive maintenance needs, including new cars. While we have finally been successful in getting the first

\$150 million, it will take years to fund these replacements, not to mention other capital needs. Recommendations short of multi-million dollar upgrades and replacements can save lives. My provision requires the NTSB to specifically consider recommending interim and urgent recommendations where appropriate, especially when a transit agency has not secured funds to comply with the costly permanent recommendations.

I ask that my colleagues support this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 4714, as amended.

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

A motion to reconsider was laid on the table.

STATE ETHICS LAW PROTECTION ACT OF 2010

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3427) to amend title 23, United States Code, to protect States that have in effect laws or orders with respect to pay to play reform, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3427

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Ethics Law Protection Act of 2010".

SEC. 2. PAY TO PLAY REFORM.

Section 112 of title 23, United States Code, is amended by adding at the end the following:

"(h) PAY TO PLAY REFORM.—A State transportation department shall not be considered to have violated a requirement of this section solely because the State in which that State transportation department is located, or a local government within that State, has in effect a law or an order that limits the amount of money an individual or entity that is doing business with a State or local agency with respect to a Federal-aid highway project may contribute to a political party, campaign, or elected official."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from New Jersey (Mr. LOBIONDO) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I yield such as he may consume to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Mr. Speaker, now more than ever, we must use every tool at our disposal to fight corruption. My home State of Illinois has made headlines time and again with charges of cronyism, corruption, and waste. Many of these charges involved pay-to-play

politics, trading campaign contributions for government contracts.

In 2008, the Illinois General Assembly took a bipartisan stand by passing a bill to eliminate pay-to-play contracting. Amazingly, the Federal Government then told Illinois that it had to back down or risk losing highway funds. The Federal Highway Administration interpreted their competitive bidding requirements to mean that States couldn't weed out corrupt contractors. Clearly that wasn't the intent of this Chamber when it passed those requirements. That is why I am pleased we are debating this important fix.

H.R. 3427, the State Ethics Law Protection Act, will make it clear that Congress supports the right of States to fight corruption. States like Connecticut, New Jersey, South Carolina, Pennsylvania, and Kentucky have passed laws like Illinois', and others are debating similar bills. They are all arriving at the same bipartisan conclusion: Corruption must be stamped out and pay-to-play made a thing of the past. Our States have shown they are ready for reform. It is now our duty to ensure they have the ability to do so.

At this critical juncture, we must do all we can to inspire the trust and confidence of people across the country. After all, without the people's trust, we cannot govern. I wish to thank Chairman OBERSTAR and the committee for bringing this bill to the floor and urge my colleagues to support the State Ethics Law Protection Act.

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

This is a commonsense good government bill which I support.

I yield back the balance of my time.

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

The gentleman from Illinois stated the case very clearly and thoughtfully, and the gentleman from New Jersey has further underscored the significance of this bill. This legislation makes clear that no State will be considered to have violated the Federal Highway Administration's competitive bidding requirements solely because the State chose to enact an anti-pay-to-play law. The bill would neither require a State to pass anti-pay-to-play nor prohibit a State from doing so. It would not weigh in on the merits of any existing State law. It simply removes what currently functions as a Federal prohibition on some States' efforts to prohibit pay-to-play. As the gentleman from New Jersey said, it is commonsense legislation, and I urge its passage.

Mr. Speaker, I rise today in strong support of H.R. 3427, as amended, the "State Ethics Law Protection Act of 2010", introduced by the gentleman from Illinois (Mr. QUIGLEY).

This bill aids State efforts to clean up their procurement processes by removing the threat of the loss of Federal-aid highway funds if a State chooses to enact "anti-pay-to-play" reforms.

Specifically, H.R. 3427 provides that a State may not be considered to have violated the

Federal Highway Administration's (FHWA) competitive bidding requirements solely because of the enactment of a State or local law prohibiting "pay-to-play".

In an effort to improve State procurement processes, many States have enacted anti-pay-to-play laws that limit the amount of money that an individual or entity doing business with a State agency may contribute to a political party, campaign, or elected official.

Unfortunately, FHWA has interpreted State anti-pay-to-play laws as potentially conflicting with the competitive bidding requirements that apply to the use of Federal-aid highway funds under title 23 of the United States Code.

As a result of this statutory requirement, FHWA has twice threatened to withhold Federal highway funds from States that enacted anti-pay-to-play laws that applied to contracts on Federal-aid highway projects. The first instance occurred in 2004 in New Jersey. The second occurred last year in Illinois.

The competitive bidding requirements of title 23 are designed to ensure that the lowest qualified bidder is awarded Federal-aid highway contracts. They are not designed to prevent States from conducting procurement under the highest ethical standards. Unfortunately, in some instances, they have had just this effect.

H.R. 3427 addresses this situation by making it clear that no State will be considered to have violated FHWA competitive bidding requirements solely because the State chose to enact an anti-pay-to-play law.

This bill would neither require any State to pass an "anti-pay-to-play" law nor prohibit it from doing so. It would not weigh in on the merits of any existing State law. It would simply remove what currently functions as a Federal prohibition on some States' efforts to prohibit "pay-to-play".

I urge my colleagues to join me in supporting H.R. 3427.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 3427, as amended.

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

A motion to reconsider was laid on the table.

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PROVIDING FOR CONCURRENCE WITH AMENDMENTS IN SENATE AMENDMENT TO H.R. 3619, COAST GUARD AUTHORIZATION ACT OF 2010

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1665) providing for the concurrence by the House in the Senate amendment to H.R. 3619, with amendments.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1665

Resolved, That, upon the adoption of this resolution, the House shall be considered to

have taken from the Speaker's table the bill, H.R. 3619, with the Senate amendment thereto, and to have concurred in the Senate amendment with the following amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Coast Guard Authorization Act of 2010".

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

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized levels of military strength and training.

TITLE II—COAST GUARD

Sec. 201. Appointment of civilian Coast Guard judges.

Sec. 202. Industrial activities.

Sec. 203. Reimbursement for medical-related travel expenses.

Sec. 204. Commissioned officers.

Sec. 205. Coast Guard participation in the Armed Forces Retirement Home (AFRH) system.

Sec. 206. Grants to international maritime organizations.

Sec. 207. Leave retention authority.

Sec. 208. Enforcement authority.

Sec. 209. Repeal.

Sec. 210. Merchant Mariner Medical Advisory Committee.

Sec. 211. Reserve commissioned warrant officer to lieutenant program.

Sec. 212. Enhanced status quo officer promotion system.

Sec. 213. Coast Guard vessels and aircraft.

Sec. 214. Coast Guard District Ombudsmen.

Sec. 215. Coast Guard commissioned officers: compulsory retirement.

Sec. 216. Enforcement of coastwise trade laws.

Sec. 217. Report on sexual assaults in the Coast Guard.

Sec. 218. Home port of Coast Guard vessels in Guam.

Sec. 219. Supplemental positioning system.

Sec. 220. Assistance to foreign governments and maritime authorities.

Sec. 221. Coast guard housing.

Sec. 222. Child development services.

Sec. 223. Chaplain activity expense.

Sec. 224. Coast Guard cross; silver star medal.

TITLE III—SHIPPING AND NAVIGATION

Sec. 301. Seaward extension of anchorage grounds jurisdiction.

Sec. 302. Maritime Drug Law Enforcement Act amendment—simple possession.

Sec. 303. Technical amendments to tonnage measurement law.

Sec. 304. Merchant mariner document standards.

Sec. 305. Ship emission reduction technology demonstration project.

Sec. 306. Phaseout of vessels supporting oil and gas development.

Sec. 307. Arctic marine shipping assessment implementation.

TITLE IV—ACQUISITION REFORM

Sec. 401. Chief Acquisition Officer.

Sec. 402. Acquisitions.

Sec. 403. National Security Cutters.

Sec. 404. Acquisition workforce expedited hiring authority.

TITLE V—COAST GUARD

MODERNIZATION

Sec. 501. Short title.

Subtitle A—Coast Guard Leadership

Sec. 511. Vice admirals.

Subtitle B—Workforce Expertise

Sec. 521. Prevention and response staff.

Sec. 522. Marine safety mission priorities and long-term goals.

Sec. 523. Powers and duties.

Sec. 524. Appeals and waivers.

Sec. 525. Coast Guard Academy.

Sec. 526. Report regarding civilian marine inspectors.

TITLE VI—MARINE SAFETY

Sec. 601. Short title.

Sec. 602. Vessel size limits.

Sec. 603. Cold weather survival training.

Sec. 604. Fishing vessel safety.

Sec. 605. Mariner records.

Sec. 606. Deletion of exemption of license requirement for operators of certain towing vessels.

Sec. 607. Log books.

Sec. 608. Safe operations and equipment standards.

Sec. 609. Approval of survival craft.

Sec. 610. Safety management.

Sec. 611. Protection against discrimination.

Sec. 612. Oil fuel tank protection.

Sec. 613. Oaths.

Sec. 614. Duration of licenses, certificates of registry, and merchant mariners' documents.

Sec. 615. Authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents.

Sec. 616. Merchant mariner assistance report.

Sec. 617. Offshore supply vessels.

Sec. 618. Associated equipment.

Sec. 619. Lifesaving devices on uninspected vessels.

Sec. 620. Study of blended fuels in marine application.

Sec. 621. Renewal of advisory committees.

Sec. 622. Delegation of authority.

TITLE VII—OIL POLLUTION PREVENTION

Sec. 701. Rulemakings.

Sec. 702. Oil transfers from vessels.

Sec. 703. Improvements to reduce human error and near miss incidents.

Sec. 704. Olympic Coast National Marine Sanctuary.

Sec. 705. Prevention of small oil spills.

Sec. 706. Improved coordination with tribal governments.

Sec. 707. Report on availability of technology to detect the loss of oil.

Sec. 708. Use of oil spill liability trust fund.

Sec. 709. International efforts on enforcement.

Sec. 710. Higher volume port area regulatory definition change.

Sec. 711. Tug escorts for laden oil tankers.

Sec. 712. Extension of financial responsibility.

Sec. 713. Liability for use of single-hull vessels.

TITLE VIII—PORT SECURITY

Sec. 801. America's Waterway Watch Program.

Sec. 802. Transportation Worker Identification Credential.

Sec. 803. Interagency operational centers for port security.

Sec. 804. Deployable, specialized forces.

Sec. 805. Coast Guard detection canine team program expansion.

Sec. 806. Coast Guard port assistance Program.

Sec. 807. Maritime biometric identification.

Sec. 808. Pilot Program for fingerprinting of maritime workers.

Sec. 809. Transportation security cards on vessels.

Sec. 810. Maritime Security Advisory Committees.

Sec. 811. Seamen's shoreside access.

Sec. 812. Waterside security of especially hazardous cargo.

Sec. 813. Review of liquefied natural gas facilities.