

anybody here right now—has had an opportunity to look at. We have tried repeatedly to get some cooperation on an extenders package that includes a number of important tax provisions that have expired already, as well as some that are set to expire, and to do that through offsets that reduce spending as opposed to raising taxes, particularly at a time when the economy is in recession.

So as much as I would agree with the Senator from Washington that this is an important issue that needs to be addressed—and it is important to my State—I would have to object until we have an opportunity to look at the amendment that the Senator from Washington put forward.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I just have to say I am really confused by this because what we have offered is simply what the Republicans agreed to—offered Monday night, and I have come back to offer it again. It is perplexing to me on an issue that is so important to my State, and to several other States, that we can't now, a few days later, do this. So I am not sure we are not just having games about this. It is extremely important to people in my State, and I am deeply disconcerted that the Republicans have not agreed to allow us to just pass the State sales tax deduction for 1 year.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### COAST GUARD AUTHORIZATION ACT FOR FISCAL YEARS 2010 AND 2011

Ms. CANTWELL. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 3619, the Coast Guard Authorization Act.

The PRESIDING OFFICER laid before the Senate a message from the House as follows:

*Resolved*, That the House agree to the amendment of the Senate to the bill (H.R. 3619) entitled "An Act to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes, with amendments."

Ms. CANTWELL. I move to concur in the House amendments with amendments, and I ask unanimous consent that at the appropriate time, a bud-

etary pay-go statement be read; further, that the motion to concur in the House amendments with amendments be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statement related to the bill be printed in the RECORD.

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

The amendment (No. 4684) was agreed to, as follows:

(Purpose: To make certain conforming amendments)

In section 617(b), in the quoted subsection (d), strike "INDIVIDUALS QUALIFIED AS ABLE SEAMEN.—Offshore" and insert "Individuals qualified as able seamen—offshore".

Strike section 917 and insert the following:

#### "SEC. 917. MARITIME LAW ENFORCEMENT.

"(a) PENALTIES.—Subsection (b) of section 2237 of title 18, United States Code, is amended to read as follows:

"(b)(1) Except as otherwise provided in this subsection, whoever knowingly violates subsection (a) shall be fined under this title or imprisoned for not more than 5 years, or both.

"(2)(A) If the offense is one under paragraph (1) or (2)(A) of subsection (a) and has an aggravating factor set forth in subparagraph (B) of this paragraph, the offender shall be fined under this title or imprisoned for any term of years or life, or both.

"(B) The aggravating factor referred to in subparagraph (A) is that the offense—

"(i) results in death; or

"(ii) involves—

"(I) an attempt to kill;

"(II) kidnapping or an attempt to kidnap; or

"(III) an offense under section 2241.

"(3) If the offense is one under paragraph (1) or (2)(A) of subsection (a) and results in serious bodily injury (as defined in section 1365), the offender shall be fined under this title or imprisoned for not more than 15 years, or both.

"(4) If the offense is one under paragraph (1) or (2)(A) of subsection (a), involves knowing transportation under inhumane conditions, and is committed in the course of a violation of section 274 of the Immigration and Nationality Act, or chapter 77 or section 113 (other than under subsection (a)(4) or (a)(5) of such section) or 117 of this title, the offender shall be fined under this title or imprisoned for not more than 15 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.'".

Strike section 1032(b) and insert the following:

"(b) VIOLATIONS; SUBPOENAS.—

"(1) IN GENERAL.—In any investigation under this section, the Secretary may issue a subpoena to require the attendance of a witness or the production of documents or other evidence if—

"(A) before the issuance of the subpoena, the Secretary requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with a criminal investigation; and

"(B) the Attorney General—

"(i) determines that the subpoena will not interfere with a criminal investigation; or

"(ii) fails to make a determination under clause (i) before the date that is 30 days after the date on which the Secretary makes a request under subparagraph (A).

"(2) ENFORCEMENT.—In the case of refusal to obey a subpoena issued to any person under this subsection, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance."

Strike section 1033(a)(2) and insert the following:

"(2) SUBPOENAS.—

"(A) IN GENERAL.—In any investigation under this section, the Administrator may issue a subpoena to require the attendance of a witness or the production of documents or other evidence if—

"(i) before the issuance of the subpoena, the Administrator requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with a criminal investigation; and

"(ii) the Attorney General—

"(I) determines that the subpoena will not interfere with a criminal investigation; or

"(II) fails to make a determination under subclause (I) before the date that is 30 days after the date on which the Administrator makes a request under clause (i).

"(B) ENFORCEMENT.—In the case of refusal to obey a subpoena issued to any person under this paragraph, the Administrator may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance."

The PRESIDING OFFICER. The clerk will read the pay-go statement.

The assistant legislative clerk read as follows:

Mr. CONRAD. After consultation with the chairman of the House Budget Committee, and on behalf of both of us, I hereby submit this Statement of Budgetary Effects of PAYGO Legislation for H.R. 3619, as amended.

Total Budgetary Effects of H.R. 3619 for the 5-year Statutory PAYGO Scorecard: \$0.

Total Budgetary Effects of H.R. 3619 for the 10-year Statutory PAYGO Scorecard: \$0.

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. 3619, THE COAST GUARD AUTHORIZATION ACT OF 2010, AS AMENDED, AND AS FURTHER AMENDED BY A DRAFT SENATE AMENDMENT ("JEN10924") AS PROVIDED TO CBO BY THE SENATE BUDGET COMMITTEE ON SEPTEMBER 29, 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 <sup>a</sup> | 0   | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0         | 0 <sup>b</sup> |

<sup>a</sup> 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.

<sup>b</sup> Title X of the legislation would establish new criminal and civil penalties. CBO estimates that any new revenues resulting from those penalties or related direct spending (of criminal penalties from the Crime Victims Fund) would be less than \$500,000 a year.

Other provisions of H.R. 3619 would direct the USCG to donate certain real and personal property to local governments or other nonfederal entities. CBO expects that, under current law, nearly all of that property would either be retained by the USCG or eventually given to other federal or nonfederal entities; therefore, donating those assets under the legislation would result in no significant loss of offsetting receipts.

Ms. CANTWELL. Mr. President, I see the leader is on the Senate floor, and I will defer to him before making a statement about the legislation.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I appreciate very much my friend allowing me to get some of this housekeeping stuff out of the way.

EXECUTIVE SESSION

HAGUE CONVENTION ON INTERNATIONAL RECOVERY OF CHILD SUPPORT AND FAMILY MAINTENANCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 2, Treaty Document No. 110–21; that the treaty be considered as having advanced through the various parliamentary stages, up to including the presentation of the resolution of ratification; that any committee reservations and declarations be agreed to as applicable; that the DeMint amendment, which is at the desk, be agreed to; that any statements be printed in the RECORD; further, that when the vote on the resolution of ratification is taken, the motion to reconsider be considered made and laid on the table, and the President of the United States be immediately notified of the Senate's action.

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

The amendment (No. 4683) was agreed to, as follows:

(Purpose: To provide an understanding that the preamble to the Treaty does not create any obligations of the United States under the Convention on the Rights of the Child as a matter of United States or international law)

In the section heading for section 1, strike **"TWO RESERVATIONS AND THREE DECLARATIONS"** and insert **"TWO RESERVATIONS, ONE UNDERSTANDING, AND THREE DECLARATIONS"**.

In section 1, strike "the reservations of section 2, the declaration of section 3, and the declarations of section 4" and insert "the reservations of section 2, the understanding of section 3, the declaration of section 4, and the declarations of section 5".

Strike **"SEC. 3. DECLARATION"** and insert the following:

**SEC. 3. UNDERSTANDING.**

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

The United States is not a party to the Convention on the Rights of the Child and

understands that a mention of the Convention in the preamble of this Treaty does not create any obligations and does not affect or enhance the status of the Convention as a matter of United States or international law.

**SEC. 4. DECLARATION.**

Strike **"SEC. 4. DECLARATIONS"** and insert **"SEC. 5. DECLARATIONS"**.

Mr. DEMINT. Mr. President, Americans seem to be losing more and more control over their lives due to government intrusion. The government has decided what kinds of cars we can drive, what kinds of light bulbs we can purchase and what kind of health insurance we must carry. But now the government is going even further by reaching into the family unit.

I rise today to speak about an issue of great importance to families across America—the rights that parents have over their families and the ever encroaching role of the international community in American life—specifically through a treaty, the United Nations Convention on the Rights of the Child.

While the Convention on the Rights of the Child has many noble goals, I have significant concerns about the effects a treaty like this would have on parental rights in America. This week we looked at the Rights of the Child treaty again when it was referenced in the preamble of a different treaty—one on the international role in child support concerns, the Hague Treaty on International Recovery of Child Support and Other Forms of Family Maintenance.

So today, I am offering an amendment to the resolution of ratification for the Child Support Recovery Treaty that reinstates that the United States has not ratified the United Nations Convention on the Rights of the Child. My amendment states that "The United States is not a party to the Convention on the Rights of the Child and understands that a mention of the Convention in the preamble of this Treaty does not create any obligations and does not affect or enhance the status of the Convention as a matter of United States or international law."

Last year, I introduced a joint resolution proposing an amendment to the U.S. Constitution concerning the rights of parents and their families, which would protect the liberty of parents to direct the upbringing and education of their children in the face of government intrusion.

Earlier this year, 30 Senators, including myself, introduced a resolution to

oppose the ratification of the United Nations Convention on the Rights of the Child. My resolution focuses on the fact that the Convention on the Rights of the Child is incompatible with the Constitution of the United States and threatens U.S. principles of sovereignty and self-governance. It would place the U.S. under international legal standards in multiple areas of domestic policy that would have far-reaching effects on the way we educate and raise our children.

The Federal Government, or any source of international law, should not be mandating guidelines or setting standards for raising children. The Convention on the Rights of the Child would create international standards for parents that could be enforced through U.S. courts at the expense of the Constitution; courts could inappropriately use references to the Convention as legal precedent.

Parents are best equipped to decide how their children are raised and educated, not the government, and certainly not a board of bureaucrats headquartered in Geneva, Switzerland.

The fight for protecting parental rights goes on. The DeMint amendment to the Child Support Recovery Treaty is intended to ensure that despite the reference in the preamble, the Convention on the Rights of the Child has no place in the U.S. legal system.

As our Nation encounters new challenges, I believe the answers must include more freedom for Americans, not more government control—and certainly not more international control. Congress must work to protect and strengthen the freedom of American families who are the backbone of our strength as a nation.

I yield the floor.

Mr. REID. Mr. President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the resolution of ratification, please rise. Those opposed will rise and stand until counted.

With two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification, as amended, was agreed to, as follows: