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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 22, 2009.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Almighty and ever-living God, as we reflect upon the past, give us a grateful spirit that will rejoice in the love that has graced our days and provide us with the wisdom to learn from our mistakes.

Remove blame and shame from our minds, that we can better discern the crises of today.

As we strain our vision and take control of our wandering hearts to embrace the future, give us confidence in Your divine providence, Lord, and endow us with gifted instincts to prepare us for what lies ahead.

Free us from prejudices and greed which narrow our perspective and rob us of our true potential as a people.

Help us to seize the present moment and make choices that will assure the progress of Your people and give You glory.

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 gentlewoman from Pennsylvania (Mrs. DAHLKEMPER) come forward and lead the House in the Pledge of Allegiance.

Mrs. DAHLKEMPER 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

HONORING THE LIFE OF SERGEANT DAVID W. WALLACE, III

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Mr. Speaker, I rise today with a heavy heart to honor the life of Sergeant David W. Wallace, III, of Sharpsville, Pennsylvania. Sergeant Wallace was killed in January 2009 while deployed to Afghanistan with the 2nd Combat Engineers Battalion, 2nd Marine Division.

This morning, the Sharpsville community gathers to dedicate the Sergeant Wallace Memorial Bridge, where Sergeant Wallace used to fish on the Shenango River. The bridge is a fitting tribute, and the people of Sharpsville do a great service to the memory of Sergeant Wallace and his family in its dedication.

Sergeant Wallace was only 25 years old when his life was taken in Afghanistan. He leaves behind his wife, Erica; his stepson, Landon; his daughter, Brooklyn; and a host of family and friends who dearly miss their brave soldier.

Today, I ask my colleagues to join me in honoring the memory of Sergeant David Wallace and commending the people of Sharpsville for honoring his service to our country.

God bless his family, and God bless the troops.

CUT MEDICARE PARTS A, B, C AND D TO FUND ''PART E''?

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

Mr. KIRK. Mr. Speaker, the House may attempt to rebrand their $1 trillion government health care plan as something they will try to call Medicare Part E. To save their own brand, they are willing to cheapen Medicare's. Medicare currently cares for seniors, but under this bill, Medicare will attempt to cover millions more with much less money.

Look at CBO's accounting of the Senate bill. It shows what the House plans to do. To fund a new government health care bill, Congress will cut Medicare Parts A, B, C and D. CBO reports they will cut Medicare Part A for hospitals $128 billion; Medicare Part B for doctors, $130 billion; Medicare Part C, Advantage, $133 billion; Medicare Part D, drugs, $20 billion. The bill also raises $424 billion in taxes in the teeth of the great recession.

All of this to fund a new government health care program that will not care for a single senior, but will use their health care dollars to help support a government program Congress attempts to call Medicare Part E.

Do you think seniors will be fooled by this?

Printed on recycled paper.

50TH ANNUAL FORT LAUDERDALE INTERNATIONAL BOAT SHOW

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

Mr. KLEIN of Florida. Mr. Speaker, I rise today to mark the occasion of the 50th annual Fort Lauderdale International Boat Show. Running from October 29 through November 2 in locations across Fort Lauderdale, the boat show will have a major impact on south Florida's economy. In previous years, the impact has been as high as $500 million.

Tourism and the marine industry are critical to our local economy, and the annual boat show is a major draw, with more than half of the visitors coming from outside our area.

Families from around the world come to visit south Florida to enjoy our sunshine, our beautiful beaches and the remarkable quality of life. The boat show puts all of these qualities on display while also supporting the marine industry, which provides 134,000 high-paying jobs in our community.

The Fort Lauderdale International Boat Show is the biggest and best show in the world and has been so for many years. I would like to thank the organizers and the community leaders of this world-class event and wish them well during their golden anniversary boat show.

HISTORIC TOWN HALLS

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

Mr. WILSON of South Carolina. Mr. Speaker, over the weekend, I hosted the first congressional town halls ever held at Barnwell High School for Barnwell and Aiken Counties; at North High School for Orangeburg, Calhoun and Southern Lexington Counties; and at Wade Hampton High School in Varnville for Hampton, Allendale and Jasper Counties.

At each town hall, I was inspired by the enthusiastic and concerned citizens who support health insurance reform such as H.R. 3400, but they oppose a big government health care takeover. They see the administration's efforts as an attack on senior citizens and small businesses. They are shocked at bills that would kill jobs in communities with record unemployment.

I am grateful for the historic record-setting turnouts at town halls across the Second Congressional District in Columbia, Lexington, Beaufort, and Hilton Head. I look forward to the town hall this Saturday at Oakwood-Windsor Elementary School for citizens of Aiken County.

Town hall participation is making a difference, limiting government. And expanding freedoms.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

SHOWING THE NATION WHAT CLEAN ENERGY IS ALL ABOUT

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PINGREE of Maine. Mr. Speaker, this beautiful picture is of the Kibby Mountain Wind Project, which went online last week and became the largest wind power development in Maine's growing wind energy industry. This is just one example of how Maine is becoming a leader in wind energy.

Also last week, the Obama administration selected Maine to become the home for a national deepwater offshore wind research center. Our State has committed to building 3 gigawatts of land-based wind power and 5 gigawatts of offshore wind power in the Gulf of Maine, developing new technology and creating new jobs in the process.

All across Maine, small and large wind power developments are popping up. This summer, I watched along with my friends and neighbors as three turbines have gone up in our island community, a project that will make my town energy independent and save us money over the long run.

Maine is showing the Nation what clean energy is all about. We can create homegrown solutions to our energy problems, freeing us from our dependence on foreign oil, making us self-sufficient, and creating good-paying jobs that can't be exported.

A SCOURGING PLAGUE

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

Mr. POE of Texas. Mr. Speaker, there are families in America where assault, violence and terror at home are a way of life.

Yvette Cade got a restraining order against her abusive husband, a man that she daily and dreadfully feared. But a Virginia judge lifted that protective order when her husband, Roger Hargrave, promised he would seek counseling.

Soon after the order was lifted, Yvette went off to her job at a T-Mobile store. Her husband later walked in the store, doused her with gasoline and set her on fire. A customer boldly put out the fire that resulted in third-degree burns over 60 percent of Yvette's body.

That was 4 years ago. Yvette, a survivor, has spent 92 days in the hospital and she has had 14 surgeries. She lives in daily turmoil and pain, pain inflicted on her by her worthless, wretched husband.

Mr. Speaker, October is National Domestic Violence Awareness Month. Brutality at home cannot remain a dark secret any longer. Domestic violence is a national health care issue; a crime and a scourging plague on a nation's culture.

And that's just the way it is.

DENOUNCING THE CUBAN REGIME

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

Mr. SIRES. Mr. Speaker, today I rise to denounce the deplorable and dangerous actions of the Cuban regime.

On Monday, The Miami Herald reported that in the 6 months after the attacks of September 11, dozens of Cuban spies walked into our embassies all over the world and sent our officials on wild goose chases disguised as terrorist threats. These intelligence agents fabricated threats to deliberately pull our officials away from their work of identifying and preventing more attacks.

I cannot stress the underhanded and malicious nature of the regime in Cuba. These actions directly undermined our national security. These agents repeatedly, before and after 9/11, visited embassies. They posed as defectors to get our intelligence to waste time and resources. These visits to embassies increased dramatically after 9/11, and Cuban agents specifically used our sensitivity to terrorist threats to mislead our officials.

The Cuban regime deceived us when we were most vulnerable, in the months after the deadliest attacks on American soil.

Mr. Speaker, I am outraged by this news, and I hope my colleagues are, also.

A SCARY TIME FOR THE AMERICAN PEOPLE

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

Mr. BONNER. Mr. Speaker, Halloween is just around the corner, but unfortunately, the Democrats who control both sides of Pennsylvania Avenue, if they have their way, there will be no treats, but only tricks, for small businessmen and -women and other hardworking taxpayers in the form of higher taxes, more government regulation and even more debt to be saddled on to the backs of our children and grandchildren.

News that our Speaker has all but guaranteed her caucus that there will be a robust public option in any health care bill to pass Congress is a code word for this, Mr. and Mrs. Taxpayer. If you think government is too big now, just wait.

Sadly, there is a reason why so few Americans have any confidence, much less respect, for the leaders here in Washington. It is because our so-called leaders have shown absolutely no respect to the hardworking taxpayers of this country, with a spending and borrowing spree unlike anytime in American history.

Halloween or not, this is a scary time for American taxpayers.

PRODUCTIVE HEALTH CARE FORUM

(Ms. TITUS asked and was given permission to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, on Monday night, I held a health care forum in my district to hear the thoughts and concerns of my constituents as we continue this critical debate on health care reform. There were strong feelings on all sides of the issue, but the important thing is we were able to come together and have a productive forum on the important factors that are central to reforming health care so that we can reduce costs, increase access, expand choice, and strengthen—yes, strengthen—Medicare.

I want to thank Temple Ner Tamid for hosting the forum; Mitch Fox for moderating with such grace; our panelists, Tom McCoy and Max Richtman; and especially the approximately 500 people who cared enough to come together and get involved in this discussion.

As the health care debate continues over the coming weeks, I look forward to sharing with my colleagues in the House on both sides of the aisle the valuable thoughts and ideas that were discussed at Monday's forum.

□ 1015

PRESIDENT OBAMA REVERSES HIMSELF ON HEALTH CARE

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

Mr. SMITH of Texas. Mr. Speaker, during the Presidential campaign, Senator Obama ran an ad attacking Senator Clinton because her ''health care plan forces everyone to buy insurance and you pay a penalty if you don't.'' If that sounds familiar, it should. That's exactly what the Obama administration is now forcing on the American people. What Senator Obama once criticized, President Obama now embraces.

Democrats' health care bills penalize people who don't buy the government's designated kind of health insurance, and the fine or tax can be close to $2,000 per person. Just as bad, most people who do buy health insurance will pay higher premiums, and seniors, especially, will see their benefits cut according to the nonpartisan Congressional Budget Office.

Senator Obama was right. President Obama is wrong. Why have so few in the national media pointed out the about-face, flip-flop, backtrack, and 180?

OUR NATION'S INFRASTRUCTURE

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

Mr. ARCURI. Mr. Speaker, the upcoming reauthorization of our surface transportation programs provides us with a unique opportunity to examine the ways we can maximize the return on our investment of taxpayer dollars we make in our Nation's infrastructure. If we strive for both economic and environmental sustainability, I believe we should support the idea of having this Nation's infrastructure designed to last without maintenance as long as possible and be 100 percent recyclable. The technology to meet these goals exists today, and we will save billions of dollars over time and lighten the financial burden for future generations.

As we work to address the cost of rebuilding our roads, bridges, and transit systems, we can require the use of 75-year maintenance-free and 100 percent recyclable materials. If we do this, we will be able to fund more projects and make critical infrastructure improvements faster.

The technology that exists today to meet all of these goals is galvanized steel. Galvanized steel is made up of naturally occurring zinc bonded to steel, which protects it from erosion for 75 years without maintenance. Steel bridges, sign structures, guide rail, light poles, facilities can benefit from it. This is technology available to us.

DON'T COST MY PATIENTS COVERAGE OR BENEFITS

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

Mr. FLEMING. Mr. Speaker, as a physician, a family physician for over 30 years, I must speak out again on health care. The President promised, promised that if you like what you have you, you can keep it. But it appears, with the current Democrat health plan, this is not true, at least when it comes to seniors.

Both the House and Senate proposals contain billions in cuts to Medicare Advantage, a very popular private insurance program that 25 percent of America's seniors have chosen for themselves. With ObamaCare this, the Greatest Generation, will lose benefits they currently enjoy, another broken promise by the President. Many seniors will be forced to pay for services such as supplemental vision or hearing coverage that was previously covered. Consequently, seniors will be dumped back into the regular Medicare that, according to this plan, will have $300 billion stripped from it.

The net result of this broken promise for seniors, some of whom are my patients, will be to have substantial reduction in service, care, and benefits.

HEALTH INSURANCE REFORM

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

Mr. SCOTT of Virginia. Mr. Speaker, responsible health insurance reform requires a comprehensive approach. For example, health insurance companies often deny coverage if you have a preexisting condition. But if we require insurance companies to cover preexisting conditions, all Americans must be required to carry health insurance; otherwise, people will just wait until they get sick before they buy insurance. And if all Americans are going to be covered, we must have mandates and taxes to subsidize those who can't afford it.

Furthermore, in most States, there's only one company with an overwhelming market share, and so, without a public option, people in many States would be mandated to buy insurance from a sole-source, for-profit corporation without any limit on what it can charge. You know that's not fair.

So even though there is a consensus that people with preexisting conditions should be able to buy insurance at a reasonable cost, we cannot achieve that goal without mandates, subsidies, and a public option to provide competition. That's why we need comprehensive health insurance reform with a public option.

RECOGNIZING CASEY HILMER

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, I rise today to recognize Casey Hilmer of Cincinnati, Ohio, of the suburb of Indian Hill for finishing fourth in the women's division of the 30th Columbus Marathon.

Casey, running her first marathon, and having no formal marathon training, finished with a time of 2 hours and 54 minutes. This was only 7 minutes behind the overall women's winner. Casey also finished first in her age bracket.

While her fourth place finish is extraordinarily impressive, it is what she overcame that brings me to this floor to celebrate her accomplishment. Ms. Hilmer's finish is made more impressive by what she's had to overcome.

More than 6 years ago, at the age of 13, she was attacked. As she was jogging near her parents' home, Casey was abducted and stabbed four times. Thankfully, this did not stop her from doing what she loves—running.

Mr. Speaker, I believe Casey is a shining example of perseverance and dedication. Casey will not be deterred. I am confident this strong young woman will accomplish every goal on which she sets her mind.

Congratulations, Casey, on your remarkable accomplishment. Perhaps your next goal—the Olympics.

HEALTH CARE REFORM

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

Mr. SARBANES. Mr. Speaker, more evidence is coming in every day that

the health insurance industry cannot help itself when it comes to pocketing profits at the expense of the American people and American businesses.

At precisely the moment when you would think the health insurance industry would want to demonstrate some restraint, because it's been telling us for months that it can accomplish voluntarily all the things that we want to try to impose in terms of better regulation on their practices, putting competition in place in terms of a public option, at precisely that moment when they have an opportunity to demonstrate restraint, I've been going around my district and hearing from businesses and employers who are just now getting the notices, the renewal notices on what the insurance premiums are going to be starting in January; and they're looking at 20 percent increases, 25 percent, 30 percent. So that sends a strong message that the insurance industry voluntarily is not going to do the right thing.

That's why we've got to get a good, strong insurance reform in place that puts best practices in place with respect to that industry and provides some competition. That's what we're working for right now.

PROSECUTING THE WAR IN AFGHANISTAN

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

Mr. COFFMAN of Colorado. Mr. Speaker, we are a Nation at war, and our Commander-in-Chief is more focused on how to engineer a government takeover of our health care system than he is on prosecuting the war in Afghanistan. It is my belief, having read General McChrystal's 65-page report on what is necessary to win this war, that he was pressured by the administration to strip his request for how many troops out of this report.

When things were going bad in Iraq in 2007, the Commander-in-Chief then, George W. Bush, turned to his military commander on the ground in Iraq and said, What will it take to turn this situation around? And General Petraeus came up with a plan, came before the Armed Services Committees for the House and the Senate to address what was necessary to turn the tide in Iraq, and he was granted what he requested for.

The President needs to allow General McChrystal to give an honest assessment of what it will take to win in Afghanistan, and General McChrystal needs to share that with the Congress of the United States.

RYAN WHITE TREATMENT ACT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise enthusiastically to support the extension of the Ryan White Treatment Act but also the full authorization.

I was here in Washington with Senator Kennedy and Senator ORRIN HATCH in 1990 when this vital, lifesaving bill was implemented to provide treatment for those who were infected with HIV. I was a member of the Houston City Council at that time, in awe because of the high number of HIV cases in the city of Houston.

We must continue to address the treatment of HIV and the prevention of it, as well as ending the stigma that comes with that disease.

As well, let me say that it is important for health care reform to pass because we will get back to the idea of prevention and access for all to health care. And I'm very glad to support legislation in the Judiciary Committee that is going to stop price fixing for health premiums, health insurance premiums and medical malpractice premiums.

My good friends, extend and pass the Ryan White Treatment Act and support a vigorous public option for health care reform. America will see brighter days ahead of her and be able to provide access to health care for all Americans.

STOP VOTING TO KILL JOBS

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

Mr. GINGREY of Georgia. Mr. Speaker, health insurance reform should not cost my patients their jobs. I have with me some disturbing numbers about our economy.

My home State of Georgia has a 10.1 percent unemployment rate. This is about 10 percent worse than when the Democrats passed their supposed ''job creating stimulus bill.'' The overall unemployment rate in the United States, as we know now, is 9.8 percent, and 15 million Americans are actively looking for work.

Now, the Democrats are asking this Congress to vote to kill more jobs. Their health care reform plan, funded through massive new taxes on employers, will result in as many as 5.5 million additional lost jobs. Don't believe me? Well, ask the 22 Democrats who signed a letter to Speaker PELOSI on July 16 telling her the Obama plan would cause an increase of many small business taxes to up to 50 percent.

Mr. Speaker, Georgia businesses cannot afford any more job-killing taxes. And I respectfully ask you, on behalf of all Georgians, please stop voting to kill jobs.

ECONOMIC RECOVERY BY THE NUMBERS

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

Mr. MORAN of Virginia. Mr. Speaker, through their words and votes, the Republican Party has been urging the American people not to stand in the way of a Great Depression. They unanimously voted against the President's economic stimulus package. But let me quote the nonpartisan economist, Robert Samuelson, this week. He says: In early 2009, consumer and business spending was collapsing. The stimulus has helped stabilize the economy. It has saved jobs that otherwise would have been lost. And interest rates didn't rise.

Now, there's obviously work still to be done. The numbers show, though, that we averted an economic depression and put our economy on a path toward recovery. We know that that road to recovery is long, but it's clear that things are starting to turn around.

A million jobs have been created or saved by the Recovery Act; 250,000 education jobs; 30,000 jobs created or saved by businesses that received Federal contracts from just a small part of the Recovery Act; and 500,000 responsible homeowners have signed up for the foreclosure prevention program.

Mr. Speaker, this stimulus investment is working and it deserves bipartisan support.

FREEDOM OF SPEECH

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

Mr. PENCE. You know, the American people cherish our freedom of speech and a free and independent press. That's why I found this morning's headlines so troubling.

Goaded on by a White House increasingly intolerant of criticism, lately the national media has taken aim at conservative commentators in radio and television, suggesting that they only speak for a small group of activists, and even suggests in one report today that Republicans in Washington are ''worried about their electoral effect.'' Well, that's hogwash.

To suggest the men and women that are taking a stand for fiscal discipline and traditional values in the national debate today only speak for ''grassroots activists'' is absurd. As evidenced by the hundreds of thousands who filled town hall meetings this summer and the nearly million Americans that gathered here in Washington in September, millions of American, Republicans, Democrats, and Independents, are worried about liberal social policies and runaway Federal spending, deficit, and debt.

So, to my friends in the so-called mainstream media, I say, conservative talk show hosts may not speak for everybody, but they speak for more Americans than you do.

□ 1030

PROVIDING FOR CONSIDERATION OF H.R. 3585, SOLAR TECHNOLOGY ROADMAP ACT

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 846 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 846

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3585) to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Science and Technology or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

The SPEAKER pro tempore. The gentleman from Colorado (Mr. POLIS) is recognized for 1 hour.

Mr. POLIS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina, Dr. FOXX.

GENERAL LEAVE

Mr. POLIS. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials in the RECORD.

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

There was no objection.

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

Mr. Speaker, House Resolution 846 provides a structured rule for consideration of H.R. 3585, the Solar Technology Roadmap Act. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI and provides 1 hour of general debate equally divided and controlled by the chair and ranking member of the Science and Technology Committee. It provides that the amendment in the nature of a substitute recommended by the Science and Technology Committee shall be considered as an original bill for the purpose of amendment and shall be considered as read.

The rule waives all points of order against the substitute except those arising under clause 10 of rule XXI.

The rule makes in order only those amendments printed in the Rules Committee report. Such amendments may be offered only in the order printed in the report and shall be offered by the Member designated in the report, shall be considered as read, and shall not be subject to demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI.

The rule provides one motion to recommit with or without instructions. The Chair may entertain a motion to rise only if offered by the Chair of the Committee on Science and Technology, and the Chair may not entertain motions to strike out the enacting clause.

Mr. Speaker, for the last 2 weeks right down the street on the National Mall, 20 teams of university students competed in the biannual Department of Energy's solar decathlon. These teams competed not just for victory but for innovation and public awareness as well.

Every 2 years, teams from all over the globe prove unequivocally, either rain or shine, under the all-too frequently cloudy skies of Washington, D.C., our Nation's Capital, that solar power is not only here for the future, but is here and ready to go today. These teams showcase both cutting-edge technology and technology that has been around for decades. Technology that creates jobs, promotes energy independence, combats climate change just simply isn't getting the attention it deserves from several blocks away here on the Hill.

The solar decathlon itself is noticing an interesting trend that speaks to what's occurring on a global scale. Teams like the two-time winners from my congressional district, the University of Colorado, unfortunately aren't finding the support that they need, and the University of Colorado had to cancel their program to compete this year, while teams from Europe and elsewhere continue to find the budget to compete and to win.

Right now because of the policies we have and have not passed, our country is starting to lose the innovation race in technology. Europe, China, and other countries are leapfrogging us in the race to refine the technology that will power our future.

This past Monday, The Wall Street Journal's ''Power Plays'' section highlighted America's competitiveness problem, which has been seen and felt by the many solar and clean-tech companies in my district for years.

Our technology is draining away to countries who know how to support and foster its growth. The Wall Street Journal highlighted how China is taking the lead in solar energy investment and drastically cutting the price of the technology and its development, making it harder for U.S. companies to compete.

Mr. Speaker, up until now Congress' attitude towards renewable energy and solar has been wanting. We failed time after time to support the small businesses, the technology, and the policies that could have and should have changed our Nation's energy outlook years ago.

American solar businesses have had to deal with the uncertainty of not knowing what government policies will be in place from one year to the next; production in investment tax credits have ebbed and flowed with no real consistency.

As someone with a background in business, I know this simply just doesn't work. Whether you're figuring out your payroll or trying to secure investments, without long-term certainty with regard to the playing fields, you have a hard time accomplishing either. Our policies towards solar research have been equally sporadic with no real directive to lead our research or investment.

We desperately need to focus our research and focus our investments, and this legislation will do that.

Mr. Speaker, simply put, this bill is a game changer. This bill is the focus, this bill is the directive that we as a Nation need in order to realize the great potential that solar energy has had for decades and will have for our future. By creating this road map, we will have the foremost experts in the world focusing our research, focusing our policies, and focusing our vision on what is possible and what will be achieved; and in doing so, we will encourage investment by providing the long-term assurance that the market is so desperately looking for.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I thank my colleague from Colorado for yielding time, and I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the rule before us today. The underlying legislation is being brought to

the floor under yet another structured rule that does not allow for many of the amendments my colleagues on both sides of the aisle presented during the Rules Committee hearing. This is especially wrong when debating one of the important issues of our time, our Nation's energy policy. By choosing to operate in this way, the majority has cut off the minority and their own colleagues from having any input in the legislative process.

My assumption is that, along with me, all other Members want to see more solar power used in this country; but the Democrats in charge are limiting what ideas can be debated on the floor and what constituents can be adequately represented in the House.

Our constituents in both Republican and Democrat districts are struggling to make ends meet, are facing unemployment, and yet are simultaneously being shut out of participating in debate over how their hard-earned taxpayer dollars are being spent by the Federal Government.

Why is the majority blocking debate on such important legislation? Are they afraid of debate? Are they protecting their Members from tough votes? Are they afraid of the democratic process?

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

Mr. POLIS. Mr. Speaker, I yield 4 minutes to the gentleman from New Mexico, a member of the Committee on Science and Technology, Mr. LUJÁN.

Mr. LUJÁN. I thank the gentleman from Colorado.

Mr. Speaker, I speak today in support of H.R. 3585, in support of the rule in support of the Solar Technology Roadmap Act, a bill that I cosponsored and supported proudly during the committee process. And I commend Congresswoman GIFFORDS for her work on this important bill.

Mr. Speaker, I come from a State that has over 300 days of sunshine, a State that has abundant solar resources, a State that recognizes that we have to get out in front of this. But as we talk about the Southwest and where we have a lot of sunshine, we cannot lose sight that countries like Germany, that don't have the abundant solar resources that we do here in the United States, but especially in the Southwest, are still ahead of us. They're outproducing us, they're generating more power from the sun. We have to get out in front of this issue, Mr. Speaker.

Solar energy production will support economic growth by creating jobs and opportunities for a clean energy workplace.

You know, as we talk about this issue, we see and we remember that this technology, solar technology, was invented and developed right here in the United States, right here in America; yet we're falling further and further behind. We talk about the need for more jobs, for making sure that we're getting ahead of this important energy issue. There is no reason that solar energy can't be and should not be—and it must be—a big part of the solar mix of the energy mix that we have right here in the United States.

When we talk about the investment in education, the emphasis with technology, engineering, mathematics, and science, making sure that we're building up that young group, those talented young people that will solve tomorrow's problems, investment in solar technology in developing a road map that will be essential in fully deploying and developing this technology is critically important. Our national laboratories at the forefront here are our colleges and universities. We have to invest in our engineers, our scientists, our researchers to provide this path forward.

The solar technology road map lays out a clear path for identifying our country's solar technologies, development needs and staying on track to address its importance. It lets us get back in the front on this issue, Mr. Speaker. The Solar Technology Roadmap Act will provide resources to our academic institutions, our national laboratories for research and development, and a demonstration of advanced techniques and manufacturing a variety of solar energy products.

Mr. Speaker, we can't wait any more. We all need to come together when we talk about the future of our energy needs in our country, solving our dependence on foreign sources of energy, getting back out in front of this very important issue.

This piece of legislation will allow us to get there and allow us to pave the way and, once again, Mr. Speaker, allow America, allow the United States, allow our scientists our entrepreneurs, our business people to use their hands, use their minds, use their hearts and their souls to get back out in front of this issue.

I urge my colleagues to vote for the rule and support this legislation that will set our country on a path to be a leader in solar energy.

Ms. FOXX. Mr. Speaker, I now yield 5 minutes to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank very much the gentlelady for yielding.

I rise in opposition to this rule and in opposition to the underlying bill; and to explain why, I would like to walk through a little history and a little math.

Let's begin with history and two very important dates: 1978 and 1839. In 1978, The Wall Street Journal carried this headline: ''Solar Power Seen Meeting 20 Percent of Needs By 2000; Carter May Seek Outlay Boost.''

Well, oddly the same paper carried a headline in 2006 making the same promise, this time for all renewable fuels, only this time by 2025, but I digress.

Billions of dollars were poured into research and development for solar technology as a result of that, and an entire solar industry solely supported by NASA subsidies arose in order to grab those dollars. And what was the result of all of this plunder of taxpayers and rate payers? More than 30 years after that promise was made in 1978, solar power accounts for just one percent of electricity generation. That's not for lack of subsidies; it's because despite all of the billions of dollars of subsidies, the technology remains immensely inefficient and expensive.

□ 1045

And that brings me to the second year, 1839. This is not a new technology. Photovoltaic electricity was first discovered by French physicist Alexandre Edmond Becquerel in the year 1839. This technology has existed for 170 years, and in those 170 years of scientific discovery and progress and despite billions of dollars of subsidies to the solar industry, we have yet to discover a more expensive way of producing electricity.

When the State of California was squandering its wealth on subsidizing this industry a few years ago, I asked the California Energy Commission: what is the price range of all of the various forms of electricity generation that we can choose from?

Here is what they reported: the cheapest form of electricity generation is hydroelectric. It ranges from a quarter of a cent to 2.7 cents per kilowatt hour, so the mid-range average is around 1.5 cents. Then comes nuclear power, with a mid-range of around 1.7 cents. After that is coal at about 1.9 cents, then wind at 4.6 cents, and gas at 10.6 cents. Finally, we get to the most expensive way to produce electricity, solar, which is between a low of 13.5 cents and a high of 42.7 cents per kilowatt hour, with a mid-range of about 28.1 cents. But it gets worse.

In a day, a solid acre of state-of-the-art solar panels can produce 2.2 megawatt hours of electricity, assuming an average of 5 hours of peak sunlight—2.2 megawatt hours per day. Now compare that to the Diablo Canyon nuclear power plant that produces 49,000 megawatt hours of electricity each day. In order to duplicate that single nuclear power plant, it would require 22,000 acres of solid solar panels—34 square miles of solid solar panels. By comparison, the Diablo Canyon power site sits on just 1 square mile.

So this technology, after 170 years and after countless billions of dollars of research and development, is roughly 17 times more expensive than nuclear power, and it consumes 32 times the land area of a comparable nuclear facility. But don't worry, say the proponents, we just need a few billion dollars more to become competitive. Well, I'm sorry, but we have heard that song before. I suppose hope springs eternal.

For decades, the Federal Government and gullible States like California have kept the solar industry afloat by pumping billions of dollars into subsidized

loans, by crediting consumers who buy solar panels and, of course, through research and development—$166 million last year and $175 million this year by the Department of Energy alone.

This is an industry that exists solely of the dole, by the dole and for the dole, and it is now clamoring for billions of dollars more. If this rule is passed and if the bill is taken up, they are going to get it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman an additional 30 seconds.

Mr. McCLINTOCK. If they get this rule and get this bill, they are going to get those billions of dollars more taken directly out of the shrinking bank accounts of American taxpayers. This is called the Solar Technology Roadmap Act. We have heard of the ''bridge to nowhere.'' This is the road map that's going to get us there.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. I thank the gentleman.

Mr. Speaker, I rise in support of the rule, which makes in order the manager's amendment, which includes a provision that I drafted to require that one of the demonstration projects in the bill be on organic solar technology.

Organic solar technology turns solar cells into high-tech ink that can be printed or sprayed onto surfaces using the same general idea as a common ink-jet printer. This technological leap allows us to turn lightweight, flexible films into solar receptors, which opens the door to using solar power for items like cell phones, laptops and even military equipment that can recharge in the field. Additionally, this technology could potentially cost less than silicon solar technology because it's easier to process and because it makes solar technology more attainable for all Americans.

Organic solar cells would potentially be better for the environment than would traditional silicon solar technology. Not only does organic solar technology use less energy in production because it requires less processing, but the cells can more easily be recycled. Two of the biggest barriers to organic solar technology are how long the cells last in the field and how efficiently they convert sunlight into electrical energy.

My provision in the manager's amendment would ensure the opportunity for a demonstration project to pursue bringing organic solar technology to market. It is for that reason, Mr. Speaker, that I support the rule and that I ask my colleagues to support the bill.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to my distinguished colleague from Tennessee, Mr. DUNCAN.

Mr. DUNCAN. I thank the gentlewoman from North Carolina for yielding me this time.

Mr. Speaker, I rise in opposition to this rule and to the underlying multibillion-dollar waste that the rule brings to the floor.

Later today, I am sure the House will approve overwhelmingly this very wasteful $2.2 billion subsidy for the solar power industry and for the solar bureaucracy, but we should be remembering that our national debt will soon pass $12 trillion in just a few days. Solar energy has received massive subsidies, with very little progress, ever since the Carter administration. In fact, it has turned into little more than a jobs boondoggle for bureaucrats as the gentleman from California just showed us in a story from The Wall Street Journal where, in 1978, there was a claim that solar energy by the year 2000 would make up 20 percent of our energy needs.

After all of this time and after all of this money, however, solar energy makes up far less than 1 percent of the total of U.S. energy. In fact, it is just 1 percent of the 7 percent that renewable energy provides this country. That is such a small figure that I can't even figure out exactly what 1 percent of 7 percent is. It's hard to get that small. The Department of Energy has received at least $1.2 billion for this research just since fiscal 2000, not counting what other departments and agencies have spent on this.

I am not against solar energy in any way, but it is way past time for this industry to stand on its own. The demand for solar energy will go up much faster if the industry is weaned off of Federal money and if it is forced to put out a better, more efficient and less expensive product. This is called free enterprise. Some people may have heard of it. The taxpayers simply cannot afford to keep funding a very wasteful program just because it is politically correct or fashionable to do so. This is a multibillion-dollar waste, and it should be defeated.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman an additional 30 seconds, Mr. Speaker.

Mr. DUNCAN. This bill should be defeated, but it will not be. As someone told me last week, it is easy to run as Santa Claus, but it is almost impossible to run against Santa Claus.

I urge the defeat of this legislation.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank my friend for yielding.

Mr. Speaker and Members of the House, the House has an opportunity today to do something in a very fair and correct way and that is very important.

I do want the record to reflect the degree of inclusion that Chairman GORDON and the members of his committee have put forth in this bill.

By my count, there were 29 suggestions made by the minority which are included in this underlying legislation. One was made at the subcommittee level and was accepted, and three were made at the full committee level and were accepted. The gentlewoman from Arizona has a manager's amendment which will be considered by the House later today. My understanding is it includes 25 suggestions from the minority. The minority had some input, so the idea that this is a one-sided discussion, I think, is simply not accurate. More importantly, the discussion takes us in a direction that our country very badly needs to go.

My friend from Tennessee just talked about the importance of paying down the national debt, and he sure is right. There is a best way to pay down the national debt, in my view, and two of the best ways are included in this bill. The first is to stop spending hundreds of billions of dollars a year overseas to buy energy from countries that are not terribly friendly to us. The second way is to put Americans to work. So, instead of consuming public resources in the welfare, Medicaid or food stamp systems, they're paying more taxes because they're making more money, and they're contributing to the Treasury in that way.

This bill puts us on a path that leads to those two directions. It is a road map. It suggests ways that innovative strategies can be used to increase the amount of energy that we derive from the sun.

Now, my friend from New Mexico could have talked about how solar energy is prominent in his State because they do have a lot of sunshine there. I'm from New Jersey. We have a fair degree of sunshine but certainly not to the degree that they have in New Mexico. However, New Jersey is now second in the Nation in the number of kilowatt hours that we produce from solar energy. So our State is living proof of the fact that you do not have to be in a warmer, sunny-all-the-time climate in order to achieve progress in this way. Those are the kinds of strategies that we will see investigated and encouraged as a result of this bill.

You know, this is a matter of energy, environment and security. The energy aspects are obvious. The more energy we derive from the sun, the less we buy from the Middle East and the less vulnerable we are. Second, it's a matter of the environment. The emission of greenhouse gases is a serious and growing problem in our ecosystem, and this bill would reduce the amount of greenhouse gases that we emit into the environment.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. ANDREWS. Finally, it's a matter of national security. Many of the problems that vex us today in the international situation are precisely because we put ourselves in a position of disadvantage by buying so much necessary energy from overseas, often

from countries who do not share our human rights or international agenda.

This has been a very fair and open process. It's a very wise and forward-looking bill, and I would encourage Members of both the majority and minority to support this rule and to support the underlying bill later this afternoon.

Ms. FOXX. Mr. Speaker, I need to point out to the gentleman from Massachusetts that the manager's amendment incorporated 10 majority amendments. The only amendments that came in from the Republicans were put in in the names of the majority. There was only one Republican amendment made in order for today under the rule.

I would like now to recognize for 3 minutes my colleague from Nebraska, Mr. SMITH.

Mr. SMITH of Nebraska. Mr. Speaker, I rise today thankful we're talking about energy. Far too often, it seems, Washington is working on efforts to stop energy development right here in America. This bill at least makes an effort to tap into our domestic energy potential. However, I am concerned about the cost, and I am concerned the bill actually doesn't go far enough.

As a member of the Science Committee, I am familiar with the efforts to spur energy research, and as a member of the Natural Resources Committee, I am familiar with the rich resources our Nation has to generate more domestic energy. At a time when we are facing an annual deficit which is larger than the deficits from the last 4 years combined, we are here today to spend another $2 billion without any way to pay for it.

Energy policy is about choices, and the leadership of this Congress and of this new administration has made the choice not to promote the most economic and energy-rich forms of domestic energy resources, including oil and gas. In contrast, Republicans have chosen to support American energy production through an all-of-the-above energy plan. We support the development of solar energy all across America, and we also support wind, nuclear, hydropower, biofuels, and oil and gas development—domestic sources of energy.

America does not need just one choice on energy. We need access to all of the domestic energy resources we can develop. The American Energy Act would clean up the environment, lower energy costs, and create more American jobs than the bill before us today. In fact, the American Energy Act has four main objectives:

Increasing the production of American-made energy in an environmentally responsible and sound manner; promoting new, clean and renewable sources of energy such as nuclear, hydropower, clean-coal technology, wind and solar energy; encouraging greater efficiency and conservation by extending tax incentives for energy efficiency and rewarding development of greater conservation techniques and new energy resources; and cutting red-tape and reducing frivolous litigation.

America needs energy development, and America needs jobs. While today's bill will promote some energy development and some new jobs, it's only one piece of the puzzle. America needs an all-of-the-above energy policy to develop many new energy resources and to create a lot of jobs.

Mr. Speaker, Republicans stand ready to help you promote increased domestic energy development. It's time that Congress not pick winners and losers in energy. It's time for all of the above.

□ 1100

Mr. POLIS. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Mr. Speaker, I rise today to support H.R. 3585, the Solar Technology Roadmap Act of 2010.

It is critical that we promote the development of solar energy technology in order to expand our national energy profile. Such advancements are also important in helping us achieve our goal of energy independence.

Colorado, in particular, has great potential for the generation and use of solar energy. Ten miles west of the Great Sand Dunes National Park in Alamosa County, Colorado, sits an 8.2 megawatt photovoltaic plant, one of the largest solar farms in the Nation. With 1 megawatt having the capacity to power 800 homes, enough energy is produced at the Alamosa plant to power over 6,500 homes. The facility is expected to add 250 megawatts of solar power by 2015.

Earlier this year, the Bureau of Land Management identified southern Colorado as a solar energy study area for concentrated solar energy production. The two dozen areas currently being evaluated by the Bureau of Land Management could produce as much as 100,000 megawatts of solar electricity. As a rancher, I am confident that the positive environmental impact, economic development, and cost savings yielded by the access to solar energy would benefit rural communities across the Nation.

Mr. Speaker, it is crucial that we promote the use of technologies such as solar as part of our energy mix. I encourage my colleagues on both sides of the aisle to give this bill their full support. Investment in advanced technologies will ensure that America remains on the cutting edge, secures our standing as a leader on the alternative energy front, and brings us one step closer to energy independence.

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

Mr. Speaker, this bill deserves the emperor's new clothes award. We all, again, want to see improved and increased use of solar energy in our country, but this rule and this bill are not going to do it.

The bill before us authorizes $2.25 billion in borrowed money for the creation of a new committee which would devise a solar technology road map or plan. This wasteful spending does not reflect the hard economic times our country and our constituents are experiencing right now and, instead, is spending borrowed money that we do not have.

Whenever I am home in North Carolina, which is every weekend, I hear from numerous constituents their concerns that the Federal Government in Washington is borrowing and spending too much. The American people know that in these tough economic times that they should save, not spend money. However, the Federal Government does not reflect the common sense I see throughout my district. Instead, the Democrats in charge here continue to borrow more and spend more, increasing our Federal deficit on the backs of our children and grandchildren.

The money that Speaker PELOSI and the Obama administration want to authorize today is all borrowed money. We cannot say that often enough. We do not have this money. Our constituents do not have this money and the Federal Government does not have this money. The Democrats in charge have made the irresponsible decision to borrow it in order to spend it at their whim.

Mr. Speaker, the U.S. national debt is currently $11.5 trillion. With over 300 million people in the United States today, each citizen's share of this debt right now is $38.8 thousand. This bill will increase the deficit even more by borrowing and spending money we don't have. We can no longer blame the deficit and economic difficulties today on the previous administration.

Those in charge have shown they don't care about the deficit by continuing to dig America into a deeper and deeper hole with more reckless spending. This borrowed money is all being spent by Speaker PELOSI and the Obama administration. As a result, the unemployment rate continues to rise and the deficit continues to rise also.

Since the Democrats took control of Congress on January 4, 2007, the national debt has increased by $3.282 trillion. Since President Obama was inaugurated just months ago in January, the national debt has increased by $1.325 trillion. The Department of the Treasury has reported that under the Democrats' control, 2009 is the worst fiscal year in this Nation's history. The results get more disastrous with each passing day.

Mr. Speaker, the debt limit has been raised at least three times since 2008. A debt limit increase was included in H.R. 3221, the Housing and Economic Recovery Act of 2008. H.R. 1424, the Emergency Economic Stabilization Act of 2008 raised the debt limit again.

The Democrats in charge raised the debt limit yet again less than a year later with passage of H.R. 1, the, quote, stimulus, in February of this year. That bill raised the debt limit to $12.104 trillion, where it now stands. As if that weren't enough, the fiscal year

2010 budget resolution adopted on April 29, 2009, triggered the automatic passage of a separate measure, House Joint Resolution 45, to raise the debt limit to $13.029 trillion, which was then sent to the Senate.

We will soon be asked to raise the debt limit again just as soon as the majority can find a way to do it and hide it in some other bill so that the American people hopefully are fooled by what they are doing. They are not going to be fooled because they are paying attention to what's going on here in the Congress.

I have opposed all these efforts to raise the debt limit. According to an analysis by The Heritage Foundation, the White House projects $10.6 trillion in new deficits over the next decade. This is nearly $80,000 per household in new borrowing. It's beyond time to stop digging.

The new budget estimates, including an estimated total national debt of $24.5 trillion in 2019 under President Obama's budget, are alarming and unsustainable. The result will be the highest level of spending and debt in American history. This is an irresponsible lack of fiscal restraint carried on the backs of our children and grandchildren. My constituents at home and Americans across the Nation are not operating their family budgets as recklessly as this Congress is spending their taxpayer dollars.

On top of all this, the President and Congress' shameless proposals to create a $1 trillion health care entitlement are careless and unaffordable. We should be focusing on capping Federal spending, restraining entitlements, and eliminating wasteful programs. When will the Democrats learn that out-of-control spending will not solve our Nation's problems?

Last week, a group of us had the great opportunity to hear Mr. John Allison, who is chairman of the board of Branch Banking and Trust Company in North Carolina, one of the most successful banks in the United States. He told us then that we are on an unsustainable course in terms of accruing debt.

He said if we do not stop this almost immediately, we have fewer than 25 years left as a great Nation, that within 25 years we will become a Third World country similar to other Third World countries, particularly in South America. We cannot sustain this. We owe our children and grandchildren a better future. We need alternatives.

But what the Democrats in charge are doing is shutting off our opportunity to use alternative sources of energy that we have available to us in this country. We have plenty of oil, plenty of gas, plenty of coal. We could be using all of those sources of energy, but they are shutting us out. We should be utilizing those and not doing what our colleague from California showed, and that is wasting money on setting up committees to devise road maps to bridges to nowhere, when we could be developing the resources that we have, allowing the private sector to do it, and not having government involvement.

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

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from New York, a member of the Committee on Science and Technology, Mr. TONKO.

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

Mr. TONKO. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of H.R. 3585, the Solar Technology Roadmap Act of 2010.

As a Representative and certainly as an engineer, I wholeheartedly embrace the soundness of planning. The road map here represents planning that provides for the most effective use of taxpayer and consumer dollars and also provides for the most commonsense approach to a situation that has really caused a great interest in America.

The previous administration spent down a surplus while it could have been investing in a sound energy plan. We now have no choice but to enter this clean energy race, which is global in nature. America will fall into deeper deficit in tougher times if it does not participate in the innovation economy driven by energy and environment reform.

This bill will unleash the potential of the American solar tech industry and boost our economy by creating jobs in this expanding new sector. It requires the Department of Energy to establish a solar road map committee to write and oversee a solar technology road map. The solar technology road map will lay out a detailed plan for solar tech research and development, help improve the performance and reliability of solar technology, and decrease the cost of solar for consumers and businesses.

Research and development funding will not only stimulate our economy and be the wave of energy innovation for the future, but it is also through R&D that we will be able to solve environmental issues, ensure the next wave of energy innovations occur right here in America, and provide those all-important American jobs to grow our economy and assist and relieve our American working families.

Solar has the potential to shave overall electricity prices for consumers as well as enhance capacity. This bill is crucial to catalyze both of these activities. In fact, this body previously passed a similar piece of legislation that I sponsored, H.R. 3165, the Wind Energy Research and Development Act. That bill looked at improving and making more efficient the materials used for construction of wind turbines.

In my district alone, there are numerous businesses and academic institutions such as the College of Nanoscale and Science Engineering at the University of Albany, which I toured this just this week, where thin film improvements are greatly enhancing and improving the opportunity for market penetration of many nanoscale applications such as solar energy. We will advance with this legislation and grow jobs and grow our economy and not reject the innovation that was rejected in the previous administration.

As the vice Chair of the Sustainable Energy and Environment Coalition, or SEEK, which is newly formed this year, we recognize that H.R. 3585 is an important bill and is therefore a legislative priority. As such, I want to thank the gentlelady from Arizona for developing such a great bill, one that speaks volumes to bettering our Nation's economy, speaking to our energy policy and our environment.

I encourage a strong vote in favor of its passage.

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

Mr. Speaker, while solar energy is an important resource and worthy of support, there are many flaws in this legislation and in the rule. This is not the right policy to advance our Nation's energy needs.

As usual, the Democrats' approach to another problem is to take money from hardworking citizens to use for their pet projects and their supporters. This approach fails to incorporate creative solutions that do not rely on ever increasing the size of the Federal Government.

According to the Science and Technology Committee, solar energy has been on the forefront for over 30 years, and yet it still makes up only 1 percent of the 7 percent of renewable energy consumed in the United States. Because there is no silver bullet, our Nation's energy policy must encompass many energy alternative solutions.

Mr. Speaker, if the Democrats in charge were serious about achieving energy independence and freeing our Nation from the grip of foreign oil, they would bring legislation to the floor that invests in several energy initiatives, not just one.

□ 1115

Republicans have alternatives. We have alternatives to everything that they have been presenting. We've introduced legislation that would encompass a multitude of energy initiatives, including solar technology. H.R. 2846, the American Energy Act, of which I'm a cosponsor, is a comprehensive energy solutions plan that would create jobs, make energy more affordable, diversify our energy sources, and help the U.S. become more energy independent.

The American Energy Act would increase both the supply of American-made energy in environmentally sound ways and achieve the goal of energy independence for our Nation. Instead of investing billions in taxpayer dollars we don't have for one energy resource, the American Energy Act would establish a renewable energy trust fund using revenues generated by exploration in the deep ocean and on the

Arctic coastal plain. It would permanently extend the tax credit for alternative energy production, including wind, solar and hydrogen; and it would eliminate barriers to the expansion of emission-free nuclear power production. The comprehensive strategy is budget neutral, without tax increases, and would make independence achievable without wasting billions of our constituents' dollars.

But instead of taking real action, this bill places restrictions on solar technology research and development by requiring that the Secretary of Energy allocate at least 75 percent of funding to those solar R&D projects directed under the committee's road map. This leaves little flexibility for innovations that may be feasible and yet were not included in the road map.

When Speaker PELOSI took office, she promised the Nation that this Congress would be the most open and honest in history. This bill works against that objective. At least one-third of the road map committee created by this bill is made up of industry officials who are explicitly exempted from the Federal Advisory Committee Act, which is intended to provide an open and transparent process. The Democrats in charge could have ensured the road map committee was open and transparent, but curiously they chose not to.

When it comes to solar technology research and development, we must have the collaboration of the Department of Energy, universities and industries. However, this bill would create a committee, half of which could be industry, telling DOE where to direct taxpayer money into research and development that could benefit their companies while not having to answer to anyone or defend their recommendations. This is not a responsible policy when billions of taxpayer dollars are on the line.

Mr. Speaker, H.R. 900, of which I'm a cosponsor, would liberate energy companies from being suffocated by extreme environmental litigation and allow them to move forward and get approval to implement energy products.

Mr. Speaker, this rule is wrong. This bill is a bad bill.

Since 2005, more than 200 applications have been submitted to the Bureau of Land Management for permission to build solar power projects on federally controlled land. To date, the Bureau of Land Management hasn't approved a single one of them. Mr. ROHRABACHER has introduced H.R. 964, the Emergency Solar Power Permit Act, of which I am a cosponsor, to exempt solar energy projects from costly and prolonged environmental impact statement requirements. Enacting this legislation would do more to expedite solar energy than the underlying bill.

Even though the public has repeatedly demanded to take advantage of the resources we have here at home, attempts to develop these resources are consistently and adamantly opposed by radical environmentalists who claim to be in favor of domestic development of renewable energy. The American people are suffering the consequences.

The Democrats' radical environmentalist friends and campaign donors continue to block domestic energy development by imposing excessive environmental litigation on energy companies. This excessive litigation prevents our country from moving forward to implement policies that will develop renewable technology and free us from the grip of foreign oil.

H.R. 900, of which I am a cosponsor, would liberate energy companies from being suffocated by extreme environmental litigation and allow them to move forward and get approval to implement energy projects. However, the Democrats in charge will not allow this bill to come to the floor for debate because they have more allegiance towards their radical environmentalist friends than towards the American people.

Mr. Speaker, amendments to reduce the authorization, give the Secretary of DOE discretion as to how much funding should go to the Roadmap recommendations, and sunset the Roadmap Committee in 2015 were all voted down in the hearing on this legislation.

Amendments to protect small businesses, veteran-owned businesses, and fund this bill through unspent funds authorized under the "stimulus" earlier this year were blocked by the Democrats on the Rules Committee so we will not be debating them in order to improve this flawed legislation. Because of this, Mr. Speaker, I oppose this rule and urge my colleagues to vote "no."

I reserve the balance of my time.

Mr. POLIS of Colorado. Mr. Speaker, by creating a solar technology road map committee made up of experts representing a variety of perspectives from the private industry, the solar technology industry, from the national laboratories, one of which borders my district, the National Energies Laboratory in Golden, Colorado, from academia and from the relevant Federal, State, as well as local agencies, we can ensure that we have all the stakeholders on board with a forward-thinking strategic plan for using our Federal solar energy research, rolling out development and demonstration, and making sure that funds are spent effectively and efficiently.

The road map that this bill will create is a model that's tried and true. This bill's road map is modeled on the successful National Technology Roadmap for Semiconductors which has been instrumental in helping the semiconductor industry and semiconductor technology advance rapidly over the past two decades. The progress in the semiconductor industry has helped make the technology exponentially more cost competitive and has grown the industry to help establish America as the international leader in semiconductors, just as we have the opportunity to be the true international leader in solar technology.

Like solar technology, the semiconductor industry at one point in time also needed focus. It needed a road map to point it in the right direction, a road map to ensure that its investments were being used wisely and efficiently, allowing us to compete with other countries. This bill will do the same for the solar industry.

Mr. Speaker, the Solar Technology Roadmap Act has gained a wide variety of bipartisan support, support from institutions and organizations from many different perspectives on the energy issue.

I strongly urge passage of this legislation, and I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, if I can inquire of the gentleman from Colorado if he is prepared to close.

Mr. POLIS of Colorado. I have no additional speakers.

Ms. FOXX. Mr. Speaker, we have no additional speakers, and I will make my closing speech now.

Mr. Speaker, I urge my colleagues to defeat the previous question so an amendment can be added to the rule. The amendment to the rule would provide for separate consideration of H. Res. 554, a resolution to require that legislation and conference reports be posted on the Internet for 72 hours prior to consideration by the House. It does not affect the bill made in order by the rule.

The amendment to the rule provides the House will debate the issue of reading the bill within 3 legislative days. It does not disrupt the schedule.

The bill currently has 164 cosponsors. The discharge petition has 182 names, including five Democrats. This bill has gained support of an overwhelming majority of Americans and is widely respected by government watchdogs.

The existing House rule, that committee reports be available for 3 days prior to floor consideration, has been repeatedly waived by Republicans and Democrats alike. This is not a partisan measure. As Members of Congress, we ought to agree that regardless of the legislation brought before us, we should always have the opportunity to read and understand the legislation before we vote.

The American public agrees with this commonsense position. A recent survey by Rasmussen Reports found that 83 percent of Americans say legislation should be posted online and available for everyone to read before Congress votes on it. The poll also found that this is not a partisan issue: 85 percent of Republicans, 76 percent of Democrats, and 92 percent of unaffiliated voters favor posting legislation online prior to its being voted on.

In the beginning of the year, Democrat Members of this Congress voted to spend almost $790 billion in taxpayer dollars on a stimulus package that most Members did not even read. All Republicans voted "no." The 1,073-page document wasn't posted on the government's Web site until after 10 p.m. the day before the vote to pass it was taken.

Furthermore, before debate on the cap-and-tax bill offered last summer, the House was presented with a 300-plus-page amendment at 3 a.m. for debate the following morning and a vote

the following afternoon. This was unacceptable and further demonstrated the need to read the bill and the amendments.

Mr. Speaker, we are elected to Congress to represent our constituents. How are we supposed to determine what is right for our fellow Americans if we have to vote on something before we even have time to read it? We need to have this debate. If people oppose having the text of bills available to read, they should make their case. This amendment to the rule allows them to do just that.

I urge my colleagues to defeat the previous question so that we can have this debate and do the right thing for the American people.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I urge my colleagues to vote ''no'' on the previous question and the rule and yield back the balance of my time.

Mr. POLIS of Colorado. Mr. Speaker, my colleague from North Carolina earlier alluded to her concern that, if we passed this bill and others, our economy will begin to resemble the Third World. She particularly cited, she said, the Third World, particularly South American countries. I would like to remind my colleague that South American countries, in particular Argentina and Brazil, have been on a tear of growth. They have had economic growth. Their currencies have gained value against the dollar. And I hope that our country can enjoy the same kinds of economic growth that in particular Brazil and Argentina have enjoyed this last year. And certainly the technology industry, in having a road map for our solar industry, can be an important part of that economic growth.

Mr. Speaker, this bill is a responsible and well thought out and proven approach to moving our Nation away from its addiction on fossil fuels and towards independence. This is a mission that will help us address some of the largest challenges we face, reducing our dangerous dependence on foreign oil and cutting greenhouse gas emissions.

Time and time again, it has been shown that solar energy is a tremendous win in terms of national security, lessening our reliance on foreign oil. Whether having emergency response centers powered individually during disasters or having additional solar supplying the grid during blackouts, we are learning that energy security means homegrown renewable energy.

What good does it do for us to be dependent on Europe or China for our energy in the future just as we are today on Saudi Arabia? I think not. We can change our future and take ownership of our future here today. The unfortunate truth of the matter is right now Europe and China are winning the technology wars to dominate our renewable energy future; and this will become worse with every day that we fail to act.

Today, Congress can take action to change our future and take ownership of our future for America. We need to realize that the technological gains of China and Europe are a good thing, but not if they are to the detriment of our own small businesses, our own investment, and our own jobs.

There is one factor that every place with a booming clean energy industry has in common. It's not just the sun, which we have in our country, it's not just the wind, which we have, it's not just the biomass, which we have in spades; but it is the policies, the policies that underlie creating a playing field that enables the growth of the solar technology industry.

You may think that California and Colorado are the number one and number three, respectively, renewable energy States in the country because they are sunny or windy. But, in fact, we in Colorado, and the State of California is number one, are in their place because they have the right policies, the right policies to attract investors, the right policies to grow clean energy jobs, friendly State leadership from the Governor to the State legislature, to counties. To prove this point, coming in at number two is actually the somewhat cloudy State of New Jersey, due to their State leadership of embracing a renewable energy economy.

In Colorado, this fact has been known for years. Our State and my hometown of Boulder know the benefits of policies that attract technological advancement, support small businesses and create jobs all because they promote investments in renewable energy.

In fact, today the American Solar Energy Society will unveil a new national report that shows the economic and employment boom that clean energy could provide if only we enact the right policies, which we can through the road map that we have contained in this bill. Policies like net metering, interconnection standards, Property Assessed Clean Energy Bonds and the expansion of distributed generation are the next steps of policies that will give our Nation the benefits that clean energy has given to places like Colorado.

That's why, Mr. Speaker, this bill has been officially endorsed by business groups across the board, like the National Association of Manufacturers, the U.S. Chamber of Commerce, the Solar Energy Industries Association, and the National Semiconductor Association.

In passing the Solar Technology Roadmap Act, we are passing on confidence to investors that our support will be around for the long haul. It is predictable. We are saying to small clean energy businesses that you can hire more employees, and we are saying to researchers that without a doubt you will be inventing technologies that will make our country cleaner and will make our Nation stronger in the world.

Establishing a research road map and prioritizing Federal funding for solar research will help commercialize new solar technologies and make clean, renewable energy sources more affordable and accessible for all Americans. Solar technology offers tremendous opportunity for America, the potential to create tens of thousands of good, high-paying, clean energy jobs that we are currently losing to overseas companies as we build our energy independence future.

The U.S. has some of the best solar resources of any industrialized nation in the world, both intellectual as well as geophysical. Yet while America is currently a leader in solar technology development, other countries, like Spain, Germany and China, are devoting much more of a concerted effort and attention to deployment, putting the U.S. competitive position in jeopardy.

□ 1130

The Solar Technology Roadmap Act has diverse and bipartisan support.

Finally, Mr. Speaker, I want to recognize Chairman GORDON of the Science and Technology Committee for his commitment to this important issue, and my friend from Arizona (Ms. GIFFORDS) for her hard work championing this legislation to ensure that America retains and grows its position as a leader in solar technology and job creation for the future.

I urge a ''yes'' vote on the previous question and the rule.

The material previously referred to by Ms. FOXX is as follows:

AMENDMENT TO H. RES. 846

OFFERED BY MS. FOXX

At the end of the resolution, insert the following new section:

SEC. 3. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the resolution (H. Res. 554) amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules; (2) an amendment, if offered by the Minority Leader or his designee and if printed in that portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII at least one legislative day prior to its consideration, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for twenty minutes equally divided and controlled by the proponent and

an opponent; and (3) one motion to recommit which shall not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 554.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. POLIS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 846, if ordered, and the motion to suspend the rules with regard to House Resolution 797, if ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 176, not voting 17, as follows:

[Roll No. 798]

YEAS—239

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—176

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—17

Abercrombie
Barrett (SC)
Bean
Carney
Cole
Davis (AL)
Gingrey (GA)
Gohmert
Hinojosa
Lofgren, Zoe
Obey
Radanovich
Richardson
Smith (TX)
Walden
Wamp
Young (AK)

□ 1204

Mr. CHILDERS changed his vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 178, not voting 13, as follows:

[Roll No. 799]

YEAS—241

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—178

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moore (KS)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—13

Abercrombie
Barrett (SC)
Bean
Carney
Davis (AL)
Gohmert
Hinojosa
Lofgren, Zoe
Radanovich
Richardson
Walden
Wamp
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1212

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RAISING AWARENESS AND ENHANCING THE STATE OF CYBER SECURITY IN THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 797.

The Clerk read the title of the resolution.

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. 797.

The question was taken.

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

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 0, not voting 17, as follows:

[Roll No. 800]

AYES—415

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
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Brady (PA)
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Braley (IA)
Bright
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Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
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Burton (IN)
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Johnson, E. B.
Johnson, Sam
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Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
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Matheson
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McCarthy (CA)
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McCotter
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McMahon
McMorris Rodgers
McNerney
Meek (FL)
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Miller, Gary
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Mollohan
Moore (KS)
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Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
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Ortiz
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Pascrell
Pastor (AZ)
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Rogers (AL)
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Ros-Lehtinen
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Ross
Rothman (NJ)
Roybal-Allard
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Ruppersberger
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Ryan (OH)
Ryan (WI)
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Sánchez, Linda T.
Sanchez, Loretta
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Wilson (OH)
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Wolf
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Yarmuth
Young (FL)

NOT VOTING—17

Abercrombie
Barrett (SC)
Bean
Davis (AL)
Gohmert
Hinojosa
Lofgren, Zoe
McKeon
Pingree (ME)
Radanovich
Richardson
Schauer
Walden
Wamp
Watson
Weiner
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1219

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill, H.R. 3585

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

There was no objection.

SOLAR TECHNOLOGY ROADMAP ACT

The SPEAKER pro tempore. Pursuant to House Resolution 846 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3585.

□ 1219

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3585) to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes, with Mr. SABLAN in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read for the first time.

The gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

I am pleased that we're considering H.R. 3585, the Solar Technology Roadmap Act sponsored by Science and Technology Subcommittee Chair GABRIELLE GIFFORDS. This bipartisan bill has a number of cosponsors including myself, subcommittee Chair BRIAN BAIRD, and DAN LIPINSKI, as well as committee members MICHAEL MCCAUL and ROSCOE BARTLETT.

I assume solar power is not the first name that comes to your mind when you think of the State of Tennessee; but over the last few years we have really seen firsthand the major potential that solar energy has to create new jobs across the country and reduce our dependency on foreign oil in the process.

Recently, two major producers of special materials used in solar panels have chosen Clarksville and Cleveland, Tennessee, as sites for their next large factories, each with over $1 billion investment creating hundreds of jobs, plus many more jobs in larger investment with the supply chain, as well as universities now setting up courses in management for the solar panel industries. And this is happening all across the State and communities all across our Nation. And that's why we need a national plan, and that's why we are discussing this important bill today.

H.R. 3585 establishes a comprehensive road mapping process for solar technology research, development, and demonstration activities conducted by the Federal Government in partnership with industry. The Secretary of Energy is also directed to award grants to carry out these programs by merit-based review specifically to provide awards to industry-led consortia research, development, and demonstration in solar manufacturing.

The road map provision in the bill is molded on the successful National Technology Roadmap for Semiconductors, which has been instrumental in helping semiconductor technology advance rapidly over the past two decades.

H.R. 3585 incorporates recommendations of the witnesses who appeared at the Science and Technology Committee, as well as input from a variety of academic, government, and industry experts. Science and Technology Committee staff closely consulted with the minority in the development of this bill. We accepted several minority amendments, and the vast majority of items in our manager's amendment in committee were also suggested or requested by the minority. The bill was voted out of committee on a bipartisan voice vote.

H.R. 3585 has been officially endorsed by the U.S. Chamber of Commerce, the National Association of Manufacturers, the Solar Energy Industries Association, British Petroleum, IBM, Intel, and National Semiconductor.

I look forward to voting for several good amendments today and strongly urge my colleagues here to support a bill that will help our country take back the leadership position in this fast-growing industry and put our best minds to work to meet our future energy needs.

Once again, I want to commend Ms. GIFFORDS, Mr. MCCAUL on their leadership on this issue. I would also like to take a moment to recognize staff who worked on this bill: Adam Rosenberg, Wyatt King, and Elaine Ulrich on the majority side; and Elizabeth Chapel and Tara Rothschild on the minority side. Without the hard work of the staff on both sides of the aisle, producing good bills like this one would not be possible.

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

Mr. HALL of Texas. Mr. Speaker, I rise today, of course, to speak on H.R. 3585, the Solar Technology Roadmap Act.

I would first like to thank the sponsor of the bill, Representative GIFFORDS, and also Chairman GORDON, for working with our side of the aisle to address concerns and incorporating suggestions to the extent that you were able to. While we didn't come to an agreement on everything, we came to an agreement on a lot of things. But I do feel that we were given the opportunity to state our case and make our arguments. Unfortunately, the areas in which we were not able to reach an agreement remain of concern.

Let me start by saying that as a conference, we're supportive of solar energy, and we have so voted—most of the people on my side of the aisle. We certainly see the great potential it has to be a contributor of energy to our constituents. However, as already stated, there's some lingering concerns in the bill before us today.

First, the bill authorizes $2.25 billion over 5 years. This is not an insignificant amount, especially in our current financial climate. The question was raised during consideration of the bill in committee whether or not investment tax credits for solar energy, long-term incentives to develop renewable energy in general or an easing of burdensome regulations would be a better way to encourage the development and use of solar energy.

Solar energy has been on the forefront for over 30 years, and it still only makes up 1 percent of the 7 percent of the renewable energy consumed in the United States according to the Energy Information Administration.

This authorization, coupled with the requirement that the Secretary of Energy allocate at least 75 percent of funding to those solar research, development, and demonstration projects directed under the road map, leaves little flexibility for innovations that may be viable and yet not included as part of the road map.

Second, the bill directs, not requests, it directs the Secretary to spend at least 30 percent in 2012 and culminating with at least 75 percent in 2015. It could be as much as 100 percent on the research, development, and demonstration set forth by the road map committee.

Moreover, at least one-third of the committee must be made up of industry members who are explicitly exempted from the Federal Advisory Committee Act. And this act, as you know, was intended to require an open and transparent process. While I support the Department of Energy, the university, and industry collaboration in the area of solar research, development, and demonstration, the optics of this examination are that you now have a committee, half of whose membership could be industry, telling the Department of Energy where to direct taxpayer money into R&D that could benefit their own companies while not having to answer to anyone or defend their recommendation to the entity that was set up to oversee and to require open and transparent processes.

While I appreciate the inclusion at our suggestion of language dealing with potential conflicts of interests in regard to the road map committee membership, more transparency needs to be incorporated.

During the full committee markup, Republicans attempted to address concerns through amendments that would have reduced the authorization, given the Secretary of DOE some discretion as to how much funding should go to the road map recommendations.

□ 1230

We had some suggestions to sunset the road map committee in 2015. While these amendments were all voted down, I remain hopeful that these issues can be addressed as we move forward.

I would like to point out that the Department of Energy shares some of these same concerns with this bill, and it made the Science and Technology Committee aware of those concerns earlier this week. In particular, they expressed concerns with using the road map committee to direct DOE activities; the requirement of a percentage of funds to be used to support activities identified by the committee; the Federal Advisory Committee Act exemption for the committee; and potential conflicts of interest with the members of the committee.

I support research and development into solar energy technologies, but believe me, this bill has a lot of room for improvement.

With that, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield such time as she may consume to the passionate solar advocate and primary author of this bill, the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. First of all, I would like to thank Chairman GORDON, also Ranking Member HALL, members of the committee, and our staff for helping to move this very important bill forward.

Mr. Chairman, the United States has some of the best solar resources of any industrialized country in the world—enough power, in fact, to power the entire country several times over.

These resources aren't unique or limited to the American Southwest. It turns out that our friends up north in the State of Alaska have about the same amount of solar resource energy as has the country of Germany. Yet, in 2006, Germany installed about seven times more solar power than we did here in the United States. Major companies in Europe and in China have been very aggressive over the last several years in building up their manufacturing capacities and in competing internationally to meet demand.

If our policies and innovation models for solar energy don't change, the United States is simply going to transition from importing foreign oil to importing foreign panels.

This country actually invented the first photovoltaic technologies, and we still have some of the smartest, most talented people in the world working to improve the efficiency and cost-effectiveness of solar cells today; but in order to use our precious research dollars as effectively as possible, these people—these patriots—need a serious road map. That's why I am so pleased to offer this bill today.

After many substantive discussions with a wide range of industry and academic leaders, as well as with the Department of Energy, I believe there is a lot that the solar industry can learn from the experience of our national semiconductor industry.

Twenty years ago, the United States was in danger of losing its semiconductor industry to Japan. In response, the industry created the technology road map for semiconductors. The focus of this initiative was to develop a road map to guide research and development efforts across the entire industry. By increasing communications between the diverse members of the supply chain, our American semiconductor industry was able to develop standards and to avoid the duplication of research efforts. These organized coordination efforts gave rise to the U.S. semiconductor giants like Intel and AMD, and the U.S. currently continues to lead the world in semiconductor development.

Today's solar researchers in the United States find themselves in a very similar situation. To maintain a competitive advantage, they must come together to meet their common, precompetitive goals, whether in simulation activities, in developing new materials, in energy storage, in power, in grid management or even in weather forecasting.

This bill would require the Department of Energy to engage diverse stakeholders in the solar community and to work across programs to create a comprehensive plan, a road map, to guide funding for the research needed to make the U.S. the global leader for solar innovation. The road map would be required to identify short-, medium- and long-term goals, and it would make recommendations on how to channel R&D resources to meet these goals. The bill would make the Department of Energy more responsive to our solar industry's needs, and it would encourage the needed collaboration and communication across technologies with well-vetted strategies.

I would like to thank my colleagues on both sides of the aisle for their contributions that have made this bill a better bill. In fact, about 25 of the 28 changes in our manager's amendment in the Science Committee were suggested or requested by the minority. I also look forward to supporting several good amendments offered by my colleagues today. Another sign of the time and effort put together by so many were the endorsements. Chairman GORDON talked about that.

I would like to remind members that the National Association of Manufacturers, the United States Chamber of Commerce, SEIA—the Solar Energy Industries Association—IBM, Intel, BP, and National Semiconductor are all behind this piece of legislation.

Mr. Chairman, the United States has an opportunity to be the leading developer and exporter of clean solar technologies in the coming years and decades. This bipartisan bill is designed to advance that goal, and I strongly urge my colleagues on both sides of the aisle to support it.

Mr. HALL of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. MCCAUL), who is a cosponsor of the bill.

Mr. MCCAUL. I thank the ranking member.

Let me thank the author of the bill, Ms. GIFFORDS, for her great leadership on what I consider to be one of the most important issues. That's energy independence.

Mr. Chairman, I am proud to rise in support of this bill. I was proud to be a cosponsor of this bill.

One thing is certain: the sun always rises, and it is important for us as a Nation to harness that energy. This is landmark legislation that, in my view, will make the United States a true leader in solar technology and in energy independence.

What I particularly like about the bill is the collaboration between the academic, the environment, the universities, the Department of Education, and the private sector. I, personally, like the fact that the private sector is involved in this rather than just some bureaucrat behind closed doors in Washington, D.C., who is making those decisions.

I recently met with the Stanford Research Institute, and I looked at their photovoltaic technology. The University of Texas at Austin, in my district, is also involved with the manufacturing of these photovoltaics, along with countless high-tech companies, like Applied Materials and many others.

There is a lot of support for this bill in my district, and I think it's important to note that this bill has the support of the U.S. Chamber of Commerce, the National Association of Manufacturers, IBM, BP, Intel, and National Semiconductor. The Chamber recently urged us to vote for this, and said that the increased research, development and demonstration of solar technology is crucial to America's energy security needs.

We talk a lot about energy independence around here, but today, we really have something tangible that we can do about it, and that is to support this legislation.

As a former counterterrorism prosecutor, it disturbs me that we export $700 billion from this country to countries overseas which don't have our best interests at heart. We need to change our energy policy, and this is a critical piece to that. This is a great step forward for this Nation towards achieving that goal of energy independence.

My district really represents the broad spectrum of the differences—on the one hand, the Houston suburbs with oil and gas and, on the other hand, Austin, Texas, which is a green technology center. It's my view that we need all of this energy. We need to make more of this energy here in the United States, which will, in turn, create more energy for Americans and which will create more American jobs. In my view, we can have a hybrid energy policy, if you will. We can go green, and at the same time, we can drill.

So, again, I think this bill is an important step forward towards that path to energy independence. Solar energy, in my view, is one of the best potentials for alternative energies out there, and it can be placed on rooftops, and transmission is not as much of an issue. We are on the cutting edge with a huge breakthrough in this country where we can harness the sun's energy and can provide the energy that this country desperately needs.

Mr. GORDON of Tennessee. Mr. Chairman, first, let me thank Mr. MCCAUL for his significant contribution to this and, more importantly, really, for the constructive role he has played on our committee.

I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. I thank the gentleman for yielding and for his outstanding leadership on solar technology issues.

Mr. Chairman, I also, of course, want to rise in strong support of H.R. 3585, the Solar Technology Roadmap Act.

I particularly would like to acknowledge Congresswoman GIFFORDS for her leadership on this important issue and for her work to advance our Nation's efforts to become a world leader in solar technology.

Clearly, this is an essential step as we work to transition our Nation off of our dependence on foreign oil and as we work harder to try to protect our environment.

Beyond all of this, though, my home State of Rhode Island recently reported an outstanding unemployment rate of 13 percent. Congress' top priority right now must also be creating an environment where new jobs are developed and where new industries can flourish. The Solar Technology Roadmap Act does just that by establishing a committee of government and industry officials to set short- and long-term goals for the industry as well as by providing guidance to expedite the process of improving solar technologies right here at home.

This bill is the right road map at the right time. It is visionary, and I urge my colleagues to vote ''yes'' on this important bill.

Mr. HALL of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT. Mr. Chairman, I recommend a ''yes'' vote for this good, bipartisan solar technology road map.

I want to thank my Democrat and Republican colleagues for their collaboration that improved H.R. 3585 with amendments in subcommittee, in full committee, as well as in the manager's amendment and in other amendments to follow on the floor. This bill ensures that solar energy technologies will contribute to the strengthening of our country's economy, environment and national security.

H.R. 3585 improves DOE policies by requiring the merit-based, competitive allocation of Federal funds. The solar road map committee will neither recommend nor select recipients of grant awards. The new solar technology road map committee will provide the DOE with advice from our national labs, universities, industry, and entrepreneurs on technological paths to accelerate the cost-effective implementation of solar power.

I am a fiscal conservative as well as a scientist and engineer. I have studied and used solar energy for more than 40 years. This bill will not spend too much money. Our country has fallen way behind. The GAO has documented that the funding level in this bill only begins to reverse 20 years of underinvestment by the Federal Government in the research and development of solar power—a domestic alternative and a renewable source of energy.

This bill will strengthen the ability of U.S. companies to regain America's world leadership in solar technology and exports. The bill expands the number of large demonstration projects over 30 megawatts, and it makes them technology neutral. The bill will reduce known vulnerabilities of our grid to natural disasters or to terrorist attacks by requiring demonstration projects to ''promote overall electric infrastructure reliability and sustainability should grid functions be disrupted or damaged.''

This bill will also maximize benefits to society and to taxpayers from these demonstration projects by encouraging DOE to consult with DHS, DOD and other agencies to locate demonstration projects at facilities that ensure sustainable energy for the continuous operations of vital government missions and functions.

Vote ''yes'' for H.R. 3585, the Solar Technology Roadmap. Using our sun to power American homes and businesses is a good bipartisan issue.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to my friend from New Jersey, Mr. PASCRELL.

Mr. PASCRELL. Thank you, Mr. GORDON.

Mr. Chairman, I rise today in strong support of this bipartisan H.R. 3585, the Solar Technology Roadmap.

I want to thank Chairman GORDON and Congresswoman GIFFORDS for their tireless work in shepherding this legislation to the floor.

In the 111th Congress, the House of Representatives has taken many important steps towards weaning our country off foreign oil and toward reducing the dangerous carbon emissions that create global warming. This bill would authorize $2 billion to new research partnerships and demonstration projects for solar energy technologies.

Yet, Mr. Chairman, while the United States has some of the best solar resources of any industrialized nation in

the world and while America is currently a leader in solar technology development, other countries like Spain, Germany and China are devoting much more effort and attention to this field, putting the U.S. and its competitiveness within this industry in jeopardy. This is an important part of our country's clean energy future, and this legislation, which will spur the development of this renewable and efficient technology, is an important step in the right direction.

In my home State of New Jersey, our Governor has embarked on an ambitious and forward-looking energy strategy, and solar development is a top priority. It may surprise many of my colleagues to know that New Jersey is second only to California in the number of solar installations and capacity, and it is first in terms of the amount of solar installed per square mile.

Using innovative financing strategies, combined with a strong renewable portfolio standard, New Jersey recently reached the milestone of 100 megawatts of solar capacity generated from more than 4,300 solar projects Statewide.

□ 1245

Considering that 7 years ago our State only had six installations, this achievement is especially impressive.

Great Falls of Paterson, New Jersey, my hometown, was once the source of power that helped build this Nation into an industrial power. Today, new solar panels are being installed at the Great Falls hydroelectric plant to make that building more energy efficient. New Jersey and its Governor have shown their commitment to solar energy development and reducing greenhouse gas admissions.

I applaud the sponsors.

Mr. HALL of Texas. Mr. Chairman, I have no more speakers at this time.

I reserve the balance of my time.

May I ask how much time we have under general debate and how many speakers Mr. GORDON has.

The Acting CHAIR (Mr. WEINER). The gentleman from Texas has 21½ minutes remaining, and the gentleman from Tennessee has 19 minutes remaining.

Mr. GORDON of Tennessee. Mr. HALL, if the gentleman would yield, to answer your question, I have about six different speakers at about 2 minutes for most of them.

Mr. HALL of Texas. Thank you.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 3 minutes to an outstanding member of our committee from Michigan, Mr. PETERS.

Mr. PETERS. Mr. Chairman, Michigan may not be considered an especially sunny State, and probably it does not immediately come to people's minds when we talk about the potential for solar energy in this country; however, my home State is currently a leader in the domestic manufacturing of solar cells. We are home to great companies like United Solar Ovonic, which support over 1,000 jobs in my area through two production facilities in Auburn Hills and global R&D headquarters in Troy. High-tech jobs like these are the source of hope in my State and provide workers an opportunity to apply their skills in a new industry and enter the workforce of the 21st century.

Federal partnership is critical to effectively develop new, renewable energies, and these investments are key to restoring jobs lost in recent years. For this reason, I am pleased to see that the bill recognizes the impact Federal investment in emerging industries can have in depressed areas and ask the Secretary to consider States that have been hit hardest by the recession and which are experiencing high unemployment rates when providing awards under this program.

We have a tremendous opportunity to revitalize our domestic manufacturing base by strengthening the domestic solar industry. While States like Michigan and many others certainly have the existing infrastructure and workforce to manufacture more solar technologies, the United States continues to lag behind China, Japan, and Europe in this field. We must commit at the Federal level to increase our domestic production, and I am pleased to see that the manager's amendment adopts language I worked on in the Science Committee that supports domestic solar manufacturing and assures that the R&D and manufacturing taking place under this bill will be carried out here in the United States.

I applaud the committee's commitment to bolstering the U.S. solar industry and the development of this road map. I would like to thank the bill's author, Representative GIFFORDS, Chairman GORDON, and Ranking Member HALL of the Science and Technology Committee for working with me on this bill, and I urge its full passage here today.

Mr. HALL of Texas. Mr. Chairman, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

We have a number of other Members who wanted to speak on this bill, because it is a good bill and they participated, but I do not see them at this time. I don't think it would be respectful to the minority to hold them up with just a filibuster by me.

I yield to the gentleman to see whether he has anyone else who would like to speak.

Mr. HALL of Texas. I would yield to the chairman my time if he needs it. I may be more friendly to this bill than he thinks I am.

I yield back the balance of my time.

Mr. HARE. Mr. Chair, I rise today to voice my strong support for H.R. 3585, the Solar Technology Roadmap Act. I thank my friend and colleague from Arizona, Representative GIFFORDS, for being a leader on this issue and authoring this important piece of legislation, which moves our nation further down the path toward energy independence.

Our country faces very serious challenges, and I believe that we need serious, commonsense responses to each of them. With increasing domestic energy costs and a continued reliance on foreign sources of energy, the challenge is clear. My hope is that with the passage of the Solar Technology Roadmap Act our response will be just as clear.

This important legislation creates a unique program within the Department of Energy where stakeholders from the government, academia, the science fields, manufacturing and business leaders and many others can come together and work to help us realize the incredible potential of solar energy. This diverse group will study, conduct programs of scientific research and development, assess results and provide recommendations for how this nation can best move forward in utilizing solar energy. Because of this program's enormous potential, I strongly support the bill's creation of a "blue ribbon" panel to evaluate solar technologies and believe that their findings and actions undertaken as a result of their work will be beneficial for everyone from the average American to our friends at NASA.

This bill authorizes $2.25 billion and lays the framework to encourage unprecedented innovation in solar activities. Other countries like Germany and Spain, along with emerging economic powerhouses China and India, have already taken the lead in utilizing solar capabilities to their maximum extent. Their governments decided long ago to make the crucial investments in solar technologies. It is absolutely critical that this legislation is enacted so that we can once more be the leader of the pack in the sciences, innovation and alternative energy solutions.

I was disappointed to see that any reference in the bill to investing in solar technology for the purpose of combating climate change did not receive bipartisan support during markup in the Science and Technology Committee. On the contrary, I believe solar technology does, in fact, play a significant role in America's effort to lessen climate change, which is why I submitted an amendment to the overall legislation, which unfortunately was not accepted by the Rules Committee. My amendment would have added to the purposes of the Solar Technology Roadmap program to include suggestions on how solar technologies can better assist the U.S. in minimizing effects on climate change. Whether or not my colleagues believe in the legitimacy of man-made climate change, my amendment would have directed the solar panel to inform us all what exactly about solar works, what doesn't work, and how we could have improved its efficiency in minimizing our carbon footprint.

Another amendment that I had wished to offer to this bill, but was not accepted by the Rules Committee for floor consideration was one that would have directed the Secretary of Energy to provide special consideration, in the awarding of grant funding in the bill, to colleges and universities, community colleges and vocational schools already offering clean energy or green jobs training, certificates, or degrees. Several institutions of higher learning within my District would have benefited greatly from this amendment and I regret that the House will not have an opportunity to consider it. I respectfully ask that the House allow me to submit a letter of support into the CONGRESSIONAL RECORD from Black Hawk College in

support of both of my amendments that were rejected by the Rules Committee.

I am proud to have had the opportunity to join my colleagues, led by my friend, Mr. HINCHEY of New York to introduce an amendment to this bill that would require that the Secretary of Energy ensure that the membership of the blue-ribbon panel be from diverse regions of the country, and that the solar demonstration projects awarded should not be concentrated in a single region. I was happy to learn that the distinguished Chairman of the House Committee on Science and Technology, Mr. GORDON, agreed with us and moved to include our proposal in the Manager's amendment. The Solar Technology Roadmap Committee's main objective is to study how using solar energy can improve the lives of all Americans, strengthen our commercial sector and help protect our environment. I believe this amendment makes a great bill even better, which is why I urge all of my colleagues to vote in favor of the Gordon amendment.

As we all know, the beauty of solar energy is that it can be captured and put to work in every region of our country. The power of the sun can be harnessed not only in states like Arizona and California, but also in places like my home state of Illinois. Many Illinoisans are putting solar technologies to work for them, one of whom I'm proud to say is my constituents, Michael Smith of Springfield, Illinois. Mr. Smith has lived utility-free for over a decade and is proof positive of the benefits that are possible through solar energy. By investing responsibly in solar energy research and development, this Congress can move more Americans in the direction that Mr. Smith took long ago.

With jobs still being lost all across our nation, the Congress can and must begin focusing on the next generation of innovation. Similar to the ''dot-corn'' era, it is inevitable that a ''green revolution'' is upon us and the U.S. must not be left behind. The time to invest in alternative and renewable energy solutions, like solar technologies, is now. This institution knows full well that solar power is abundant, does not create greenhouse gases and has the potential to power our lives for years to come. For these obvious reasons, I strongly believe we can not afford inaction any longer.

Again, I applaud the efforts of Representative GIFFORDS in leading the charge on this bill, which passed out of committee with strong bipartisan support and ask my friends on both sides of the aisle to join me in voting for the passage of the Solar Technology Roadmap Act.

OFFICE OF THE PRESIDENT,
BLACK HAWK COLLEGE,
Moline, IL, October 20, 2009.

Hon. PHIL HARE,
House of Representatives, Cannon HOB, Washington, DC.

DEAR CONGRESSMAN HARE: I am writing in support of your Amendments #1 and #2 relating to the Solar Technology Roadmap Act H.R. 3585 and to thank you for introducing these most important amendments.

Recently we restructured the Engineering Technology Program at Black Hawk College, Quad-Cities Campus. We believe this program is important to many businesses and industries in our service district. We now offer the following majors in the Engineering Technology Program: 1. Electrical; 2. Mechanical; 3. Manufacturing Processes; and 4. Sustainable Energy.

Item #4 represents a new option in the Engineering Technology Program area, a Sustainable Energy Certificate (first in Illinois). Students take the first-year common core curriculum and complete their work with Sustainable I and II (covers beginning and advanced topics in many areas of sustainable energy: solar, biomass, wind, photovoltaic) and complete with an industry-specific internship. Looking to the future, we believe this will be a very important program. Your amendments—if adopted and eventually signed into law—could provide much needed support to our Sustainable Energy Program.

Please continue to actively support these amendments. They are critically important to the future of our country. Again, many thanks and best wishes.

Sincerely,

R. GENE GARDNER, PH.D.,
Interim President.

Mr. MARKEY of Massachusetts. Mr. Chair, I rise in strong support of H.R. 3585, the Solar Technology Roadmap Act. The solar energy that strikes the earth in a single hour is enough to power the world's energy needs for a year. This bill will help America develop the technology to harness that massive solar energy potential. I commend Representative GIFFORDS for sponsoring this legislation and Chairman GORDON for his leadership in moving it forward.

The market for solar photovoltaics is growing 40 percent annually. This scaling up of production, combined with developments in the technology, has led to a rapid reduction in the cost of solar energy. While the cost of building conventional power plants has, in many cases, doubled over the last decade, the cost of solar has fallen nearly 30 percent. Many people within the industry now believe solar photovoltaics could be competitive with conventionally-generated electricity from the grid by 2015.

Solar photovoltaic technology was born and developed in the United States. Our publicly-funded national laboratories and our universities such as MIT advanced this technology for decades until the private sector more recently adopted it and began manufacturing solar photovoltaics on a large scale. Unfortunately, we've recently watched this All-American technology become commercialized in Japan, Germany, and China. Today, only two of the world's ten largest solar companies are based in the United States. This means most of the new jobs and intellectual property in this rapidly growing field are accumulating overseas as well. The bill before us today would double down on our solar research program and ensure that solar technology can be developed here with an eye toward private-sector adoption and market deployment.

But to fully reestablish American leadership in this and other rapidly growing clean energy industries and allow the United States to lead in the creation of a clean energy economy, we must also enact into law the American Clean Energy and Security Act, which was passed by the House in June. This legislation, which I authored with Chairman WAXMAN, would put the incentives in place to stimulate demand for solar and other renewable technologies here at home while unleashing American entrepreneurs to transform the entire energy sector into America's next high-tech, innovation industry.

Ms. HARMAN. Mr. Chair, I rise today in strong support of H.R. 3585, the Solar Technology Roadmap Act. Advancing solar technology is vital to our Nation's energy security, reducing greenhouse gas emissions, and establishing the United States as a leader in green technology. This bill will create a structured plan for pursuing solar research, development and demonstration, and will foster new public-private partnerships to make clean, renewable energy more affordable and accessible for all Americans.

Solar power can help reduce greenhouse gas emissions and mitigate the effects of climate change. My home State of California is ahead of the curve: 67 percent of the United States total solar generation is in California.

The Fortunato family in Hermosa Beach, a city I represent, is retrofitting their home to be the city's first ''net zero'' home and to power all their electricity needs through renewables—mostly through the use of solar panels for electricity and solar hot water for heating.

In fact, throughout California's 36th Congressional District, my constituents are turning to solar energy as they continue the region's tradition of environmental leadership. Large installations at Harbor City College in Wilmington, BT telecommunications in El Segundo, and the Port of Los Angeles are setting the standard for solar excellence in the South Bay. At BT, flexible solar panels provide shade in the outdoor parking lot—something that could be widely copied. My family installed solar panels on our roof in Venice, California, over 8 years ago.

I worked for President Jimmy Carter, who in 1979 mandated that by the year 2000, 20 percent of power generated in the United States should come from the Sun. Three decades later, we're still far from that visionary goal. Solar power accounts for just 1.2 percent of the U.S. mix. We can—and must—do far better.

Mr. VAN HOLLEN. Mr. Chair, I rise in strong support of the Solar Technology Roadmap Act of 2009, and I commend my colleague Congresswoman GABRIELLE GIFFORDS for bringing it to the floor today.

The Solar Technology Roadmap Act of 2009 will focus and accelerate the Department of Energy's ongoing solar technology research, development and demonstration activities by creating a Solar Technology Roadmap patterned after the highly successful National Technology Roadmap for Semiconductors to guide the Nation's near-term, mid-term and long-range solar technology policy goals. The Solar Technology Roadmap will be developed by a Solar Technology Roadmap Committee appointed by the Secretary of Energy and comprised of at least 11 members, one third of whom will come from the solar industry. This bipartisan and forward-looking legislation has been endorsed by the Solar Energy Industries Association, the National Association of Manufacturers, IBM, Intel, and National Semiconductor and will optimize the role that solar technology will play in America's clean energy future.

I urge my colleagues' support.

Ms. JACKSON-LEE of Texas. Mr. Chair, I rise today in support of H.R. 3585, the Solar Technology Roadmap Act, a bill that establishes a comprehensive roadmapping process for solar technology research, development, and demonstration activities conducted by the federal government in partnership with the private sector.

As the Member of Congress representing Texas' 18th Congressional District in Houston, solar technology is near and dear to me and my constituents. My state is facing an unemployment rate of around 7.5%, the highest it

has been in the past 16 years. While this is 2% less than the national average, Texas has not seen unemployment this high since 1993. In one month alone, Texas lost 40,600 jobs.

As an energy capital of the world, it is critical for Houston to be at the forefront in the quest for clean, renewable energy. In addition to having energy companies as constituents, I have spent a career working in the energy sector, representing big and large oil companies alike. Further while Houston is home to some of the largest petroleum companies in the world, our city is also the headquarters for leading solar and wind power firms.

While energy reform making its way through Congress offers significant opportunities for Houston, it also comes with a number of challenges, particularly for our city's longstanding petroleum community. Namely, petroleum companies stand to be significantly and adversely impacted as the nation shifts from petroleum fuels to alternative energy.

Mr. Chair, I believe that America should have a diversity of energy sources, which include fossil fuels along side of wind, solar, and hydropower sources. As such, I am working diligently with our senate delegation to ensure that the current energy bill is improved to ensure that the petroleum sector remains as a valuable component of our nation's ''seamless'' energy policy.

In the interim, I offered two amendments to this bill designed to assist Houston and the rest of Texas. Specifically, one of my amendments would have supported the installation of solar panels and other solar technology systems at hospitals, universities, and public safety facilities.

* * * with solar panels, and by providing special consideration for grantees in Texas and other states that have a great potential for solar resources that have been adversely impacted by the nation's shift from fossil based fuels to solar power.

For this reason, I proposed two amendments. My first amendment focuses on Section 105b(3)(I). This provision focuses on a provision in the bill that authorizes DOE to conduct at least 10 photovoltaic demonstration projects ranging from one to three megawatts in size and three to five solar projects greater than 30 megawatts in size. The bill also requires DOE to study the performance of photovoltaic installations and identify opportunities to improve the energy productivity of these systems. In addition, DOE must establish a program of RD&D related to the reuse, recycling, and safe disposal of photovoltaic devices.

My amendment would have specifically designated hospitals, universities, and public safety facilities as potential selectees as infrastructure reliability projects. With this proposal, we would have had a chance to outfit hospitals with the latest in solar technology to create alternative power generation resources. These would prevent power disruptions that could threaten the lives of patients in hospitals in particular.

This idea was inspired by the fact that many of the places in our community that provide health care services to the sick are located in buildings that are themselves sick. As we expand health care to millions of Americans, I hope to work with my colleagues to ensure that health care is dispensed in healthy buildings that employ the latest in solar and other green building designs.

Universities could also benefit from these grants in a manner that would ensure that our institutions of higher learning could also continue operating in the event of power outages. Finally, jails, police stations, and other public safety facilities could also specifically benefit by serving as demonstration projects. Mr. Chairman, can I get your commitment to continue working with me to ensure that this proposal is incorporated as the bill proceeds in the legislative process.

Mr. Chair, my second amendment would have provided special consideration to Texas and other states with high potential for solar energy production to help businesses affected by the nation's shift from fossil fuel based energy resources to solar and other renewable energy when making awards under the bill. This language would be inserted into Section 101 D. Under my amendment, the new language would have read: ''As a criteria for providing awards under this Act, the Secretary shall consider areas with high unemployment as well as grantees in Texas and other states with high potential for solar energy production to help businesses affected by the nation's shift from fossil fuel based energy resources to solar and other renewable energy.''

Mr. Chair, given the potential for Houston and the rest of Texas to be benefitted or harmed by our shift to solar technology, can I get your commitment to incorporate this idea, at least in the conference report.

Again, I want to thank you for the opportunity to speak on behalf of the bill and urge all my colleagues to vote for this legislation to ensure building a comprehensive road for solar technology research, development, and demonstration activities. Thank you Madam Speaker. I yield back the remainder of my time.

Mr. LEVIN. Mr. Chair, I rise in strong support of the bill before the House, the Solar Technology Roadmap Act.

The solar industry is one of the fastest growing energy industries in the United States. Solar companies, including United Solar Ovonic in Michigan, have been making cutting-edge advancements in both solar technology and manufacturing. The solar industry is already creating jobs in Michigan and across the country, and this energy resource has the potential to create thousands more jobs if we make the right investments.

You can't begin a journey without knowing where you're going. If we want to expand solar energy and renewable energy jobs here in the United States, then we need to have a plan to guide solar energy research, development and demonstration. This legislation directs the Department of Energy to assemble a group of experts from industry, academia, and government labs to create a roadmap of short-, medium-, and long-term goals to guide and accelerate the development and deployment of solar energy in America.

A plan will only get us so far. In order for solar technology to reach its full potential, the federal government has to create a partnership with private industry, just as it has in other energy areas. In a word, working with the private sector, we need to invest wisely in this technology using the guidance provided by the research roadmap. The legislation calls for the Department of Energy to invest $2 billion on research, development and deployment of solar energy technologies over the next five years. It will be important for Congress to follow through and actually provide the funds to allow this to happen.

I urge my colleagues to join me in voting for the Solar Technology Roadmap Act.

Mr. KIND. Mr. Chair, I rise today in support of H.R. 3585, the Solar Technology Roadmap Act. This bill establishes an important energy tax title that will create the high-paying green jobs our economy needs, while simultaneously taking strong actions to help in our longer-term fight to combat global warming.

Even with rapid growth in solar and wind installations, most clean technologies installed in the U.S. continue to be manufactured overseas. In the case of solar, the U.S. is steadily falling behind the rest of the world in manufacturing capacity, dropping from 22 percent in 2002 to a mere 7 percent in 2007. Similarly, European firms now account for more than 85 percent of the global wind component market, and the U.S. has only a modest share of global manufacturing of other clean technologies, ranging from fuel cells to advanced batteries. We cannot continue down this path.

We are a nation of leaders and we need to start leading. We must cultivate a new mindset where sustainable technology and a clean manufacturing base are at the forefront. Initiatives like the Solar Technology Roadmap, which level the manufacturing playing field and incentivize investment, are what we need. This tax credit will create new manufacturing jobs—a need that cannot be understated given that the U.S. shed more than 1 million manufacturing jobs in the past 12 months. Correspondingly, the credit will increase the tax base and improve our trade balance. These are key components to our nation's economic recovery and long-term economic growth. Other nations are making these investments and, to remain globally competitive, we need to do the same.

I am pleased at the length to which this bill goes to create green jobs and urge my colleagues to support this measure.

Mr. HOLT. Mr. Chair, I rise today in support of H.R. 3585, the Solar Technology Roadmap Act.

The United States is currently the world's leader in solar power technologies. However, countries like China, Germany, and Spain are making major investments in this field, unless we increase our investment in research, development and demonstration, RD&D, into new solar technologies our global competitiveness will be at risk.

The Solar Technology Roadmap Act would provide this much needed funding and create a comprehensive program to strengthen and coordinate the development and improvement of our Nation's solar energy technologies. The bill creates a Solar Energy Roadmap Committee comprised of representatives from industry, academia, and government researchers responsible for developing a long-term roadmap to guide solar energy research. The Roadmap Committee would identify the RD&D activities needed to improve the performance and reliability of solar technologies, decrease cost, and reduce water use. This research plan would guide the awarding of funds for solar energy RD&D by the Department of Energy and would help commercialize new solar technologies and create new public-private partnerships to make this clean, renewable energy source more affordable and accessible for all Americans.

Unfortunately, the House Committee on Rules did not make in order two amendments

that I offered. One of my amendments would have allowed the Secretary of Energy to use a portion of the $2 billion authorized for solar energy to study the factors affecting whether consumers choose to adopt and use solar power. Unless we understand these factors it will be difficult to understand how best to encourage the widespread utilization of solar energy. I also offered an amendment that would have required small businesses to be given preference when distributing the RD&D authorized in this act. I am sorry that these amendments were not debated today.

My home State of New Jersey has made a strong investment into the deployment of solar energy. Through its Renewable Energy Incentive Program, REIP, New Jersey has encouraged the installation of over 4,300 solar electricity systems in our State's businesses, homes, and public institutions. We have more solar installations per mile than any other State in the Union, and are the second largest solar market in the country. Our solar companies, including several located within my congressional district, are conducting innovative RD&D into cutting edge solar technologies and our solar installers, dealers, and project developers have created hundreds of clean energy jobs. Supporting an increased Federal investment into RD&D would help to continue this effort. I urge my colleagues to support this legislation.

Mr. COHEN. Mr. Chair, I rise in support of this amendment.

I would first like to commend Representative GIFFORDS and the Science and Technology Committee for proposing this great piece of legislation. I would also like to thank Representatives TITUS and TEAGUE for their work on this very important amendment.

The economic competitiveness and security of the United States depend upon our ability to develop clean, affordable alternatives to oil. But this will not be cheap and it will not be easy, so I commend this legislation's promise for significant investment in the research and development of solar technology. Solar technology holds tremendous promise and has the potential to put the United States on a path to energy independence and significantly reduce greenhouse gas emissions. For in just 1 hour, enough sunlight hits the Earth's surface to supply the entire world's energy demands for 1 full year.

With significant investment in the research, development, and implementation of solar technology, we will be well on our way to energy independence. However, one obstacle to solar technology exists that is currently not being discussed—the immense water usage of many leading solar technologies. Currently, plans exist for solar plants that consume 705 million gallons of water a year and are located in the heart of desert regions which receive scant rainfall and have little groundwater reserves.

As the American population continues to grow and water demands continue to rise with our population, our water supply will be in even shorter supply. Thus, we cannot afford to use hundreds of millions of gallons of water a year to operate and maintain one solar site. It is imperative that we invest in research and development of solar technologies that are water efficient.

While our Nation needs clean, affordable energy, we cannot produce it at the expense of our future water supplies. For these reasons, I strongly urge the passage of our amendment to the Solar Technology Roadmap Act.

Mr. HASTINGS of Washington. Mr. Chair, we must get serious about producing more American-made energy in order to prevent skyrocketing energy and gas prices in the future, grow our economy and protect our national security. There is widespread and bipartisan agreement that we must move toward a cleaner, cheaper, more diverse energy system. That means expanding solar, wind, hydrogen fuel cell, biomass and other new energy sources, more hydropower, more nuclear plants, and tapping into our nation's oil and gas reserves.

My district in Central Washington state is home to massive hydropower dams, the only nuclear power plant in the region, the Pacific Northwest National Lab which is conducting world-class energy research, wind farms, and solar.

There is no question that solar power has a key role to plan in our energy future. The federal government should encourage and incentivize all types of solar power production and research. We must make tax credits for solar permanent and we must open up new opportunities for solar on our federal lands.

It is with regret, today, that I cannot vote for H.R. 3585. I have long-supported solar energy—but it need not require an expansion of the federal government and $2.25 billion dollars at a time when Congress is already spending more than ever and our nation is facing historic levels of debt. In addition to the cost of this legislation, I am concerned that it does not provide a level playing field for all types of solar technologies. The federal government should not be in the business of picking winners and losers.

I am a cosponsor and a supporter of H.R. 2846. This bill represents an all-of-the-above energy bill. Under the bill, a portion of federal government's revenue from offshore drilling would be used to provide funding for renewable energy programs such as solar, biomass, hydropower, clean coal, wind and others. In fact, over $8 billion would be directed to renewables in the first 10 years at zero cost to taxpayers.

As we move forward, I am committed to finding new opportunities to encourage all solar technologies whether it is through research support, federal land options, tax incentives and other means.

Mr. INSLEE. Mr. Chair, I thank Representative GIFFORDS, the House Leadership and the Chairman for working to pass H.R. 3585 today, which a legislative priority for the Sustainable Energy and Environment Coalition. H.R. 3585, Solar Technology Roadmap Act will strengthen the American solar technology industry through a coordinated research and development program and public-private partnerships.

The Solar Technology Roadmap Act will give even cloudy states like Washington a roadmap to solar technology deployment. The bill will help to ensure that federal funding for solar energy research is prioritized to commercialize new solar technologies to make this clean, renewable energy source more affordable and accessible for all Americans.

Harnessing the power of the sun is an economic opportunity for America, with the potential to help create tens of thousands of clean energy jobs in neighborhoods across the country.

The U.S. has some of the best solar resources of any industrialized nation in the world. Yet while America is currently a leader in solar technology development, other countries like Spain, Germany and China are devoting much more effort and attention to this field, putting U.S. competitiveness in this industry in jeopardy. This bill will strengthen America's solar industry and I urge its passage.

Unfortunately, due to a matter in Washington, I will be absent for the vote on final passage of this important bill. Had I been present, I would have voted "yes".

Mr. GORDON of Tennessee. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 3585

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 ''Solar Technology Roadmap Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(2) SOLAR TECHNOLOGY.—The term ''solar technology'' means—

(A) photovoltaic technologies, including technologies utilizing—

(i) crystalline silicon;

(ii) cadmium telluride;

(iii) semiconductor materials containing copper, indium, and selenium;

(iv) thin film silicon;

(v) gallium arsenide alloy and multijunctions;

(vi) dye-sensitized and organic solar cell technologies;

(vii) concentrating photovoltaics; and

(viii) other photovoltaic methods identified by the Secretary;

(B) solar thermal electric technology, including linear concentrator systems, dish/engine systems, and power tower systems;

(C) solar thermal water heating technology;

(D) solar heating and air conditioning technologies;

(E) passive solar design in architecture, including both heating and lighting applications; and

(F) related or enabling technologies, including thin films, semiconducting materials, transparent conductors, optics, and technologies that increase durability or decrease cost or weight.

TITLE I—SOLAR TECHNOLOGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION

SEC. 101. PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct a program of research, development, and demonstration for solar technology, including—

(1) photovoltaics;

(2) solar hot water and solar space heating and cooling;

(3) concentrating solar power;

(4) lighting systems that integrate sunlight and electrical lighting in complement to each other in common lighting fixtures for the purpose of improving energy efficiency;

(5) manufacturability of low cost, high-quality solar energy systems;

(6) development of solar technology products that can be easily integrated into new and existing buildings; and

(7) other areas as the Secretary considers appropriate.

(b) AWARDS.—The Secretary shall provide awards under this section to promote a diversity of research, development, and demonstration activities for solar technology on a merit-reviewed, competitive basis to—

(1) academic institutions, national laboratories, Federal research agencies, State research agencies, nonprofit research organizations, industrial entities, or consortia thereof for research, development, and demonstration activities; and

(2) industry-led consortia for research, development, and demonstration of advanced techniques for manufacturing a variety of solar energy products.

(c) SENSE OF CONGRESS.—It is the sense of Congress that at least 75 percent of funding for solar technology research, development, and demonstration activities conducted by the Department of Energy after fiscal year 2014 support a diversity of activities identified by and recommended under the Solar Technology Roadmap as described in section 102.

(d) SPECIAL CONSIDERATION.—As a criteria for providing awards under this Act, the Secretary shall consider areas with high unemployment.

(e) COMPETITIVENESS.—In carrying out section 105, the Department of Energy shall strongly consider projects utilizing solar technologies manufactured in the United States.

SEC. 102. SOLAR TECHNOLOGY ROADMAP.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Solar Technology Roadmap Committee established under section 103 shall develop and transmit to the Secretary of Energy and the Congress a Solar Technology Roadmap that—

(1) presents the best current estimate of the near-term (up to 2 years), mid-term (up to 7 years), and long-term (up to 15 years) research, development, and demonstration needs in solar technology; and

(2) provides guidance to the solar technology research, development, and demonstration activities supported by the Federal Government for the purposes of meeting national priorities in energy security, United States competitiveness, mitigation of adverse environmental impacts, and energy diversification.

(b) CONTENTS.—The Solar Technology Roadmap shall—

(1) identify research, development, and demonstration needs for a diversity of solar technologies to address—

(A) the key solar energy production challenges of intermittency, transience, storage, and scaling, including determining—

(i) which solar-related technological solutions are appropriate for various applications, locations, and seasons;

(ii) how to store excess solar energy in batteries, supercapacitors, compressed air, flywheels, hydrogen, synthetic fuels, thermal storage, or superconductors, or through other means;

(iii) how and when to integrate solar energy into the electricity grid effectively, including—

(I) the integration of solar technologies with a Smart Grid;

(II) electrical power smoothing;

(III) microgrid integration;

(IV) solar resource forecasting;

(V) long distance transmission options, including direct current and superconducting transmission; and

(VI) ways to address arbitrage over minutes, hours, days, weeks, and seasons with respect to the full range of project scales; and

(iv) how best to integrate solar technologies into buildings;

(B) modeling and simulation;

(C) the design, materials, and manufacture of solar technologies, as well as related factory sciences;

(D) the development of standards;

(E) the need for demonstration facilities;

(F) optimized packaging methods;

(G) environmental, safety, and health concerns including reuse, recycling, hazardous materials disposal, and photovoltaic waste issues; and

(H) other areas identified by the Secretary;

(2) identify opportunities for coordination with partner industries such as those for semiconductors, lighting, energy storage, Smart Grid, and wind that can benefit from similar advances;

(3) establish research, development, and demonstration goals with recommended timeframes with respect to solar technologies for—

(A) improving performance;

(B) decreasing cost of electricity generated;

(C) improving reliability; and

(D) decreasing potential negative environmental impacts and maximizing the environmental benefits of solar technologies;

(4) include recommendations, as appropriate, to guide solar technology research, development, and demonstration activities; and

(5) outline the various technologies and practices considered by the Committee and the benefits and shortcomings of each, as appropriate.

(c) REVISIONS AND UPDATES.—

(1) REVISIONS.—Once every 3 years after completion of the first Solar Technology Roadmap under this Act, the Solar Technology Roadmap Committee shall conduct a comprehensive review and revision of the Solar Technology Roadmap.

(2) UPDATES.—The Solar Technology Roadmap Committee shall update the Solar Technology Roadmap annually as necessary.

SEC. 103. SOLAR TECHNOLOGY ROADMAP COMMITTEE.

(a) ESTABLISHMENT.—Not later than 4 months after the date of enactment of this Act, the Secretary shall establish, and provide support for as necessary, a Solar Technology Roadmap Committee.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Solar Technology Roadmap Committee shall consist of at least 11 members. Each member shall be appointed by the Secretary from among subject matter experts representing—

(A) different sectors of the domestic solar technology industry, including manufacturers and equipment suppliers;

(B) national laboratories;

(C) academia;

(D) relevant Federal agencies;

(E) relevant State and local government entities;

(F) private research institutions; and

(G) other entities or organizations, as appropriate.

(2) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term of a member of the Solar Technology Roadmap Committee shall be 3 years.

(B) ORIGINAL TERMS.—Of the members appointed originally to the Solar Technology Roadmap Committee, approximately ⅓ shall be appointed for a 2-year term, approximately ⅓ shall be appointed for a 3-year term, and approximately ⅓ shall be appointed for a 4-year term.

(3) LIMIT ON TERMS.—A member of the Solar Technology Roadmap Committee may serve more than 1 term, except that such member may not serve a subsequent term unless 2 years have elapsed since the end of a previous term.

(4) INDUSTRY PARTICIPATION.—At least ⅓ and not more than ½ of the members of the Solar Technology Roadmap Committee shall be individuals described in paragraph (1)(A).

(5) CHAIR.—The Secretary shall select a Chair from among the members of the Committee. The Chair shall not be an employee of the Federal Government.

(6) CONFLICTS OF INTEREST.—The Secretary, in appointing members to the Committee, shall make every effort to ensure that—

(A) no individual appointed to serve on the Committee has a conflict of interest that is relevant to the functions to be performed, unless such conflict is promptly and publicly disclosed and the Secretary determines that a waiver is appropriate;

(B) the Committee membership is fairly balanced as determined by the Secretary to be appropriate for the functions to be performed; and

(C) the final report of the Committee will be the result of the Committee's independent judgment.

The Secretary shall require that individuals that are appointed or intended to be to appointed to serve on the Committee inform the Department of Energy of any individual's conflicts of interest that are relevant to the functions to be performed.

(c) EXPERT ADVICE.—In developing the Solar Technology Roadmap, the Solar Technology Roadmap Committee may establish subcommittees, working groups comprised of experts outside the membership of the Solar Technology Roadmap Committee, and other means of gathering expert advice on—

(1) particular solar technologies or technological challenges;

(2) crosscutting issues or activities relating to more than 1 particular solar technology or technological challenge; or

(3) any other area the Solar Technology Roadmap Committee considers appropriate.

(d) COMPENSATION AND EXPENSES.—A member of the Solar Technology Roadmap Committee shall not be compensated for service on the Committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(e) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Solar Technology Roadmap Committee.

SEC. 104. INTERAGENCY COORDINATION.

The Director of the Office of Science and Technology Policy shall review and coordinate Federal interagency activities identified in and related to the Solar Technology Roadmap as appropriate.

SEC. 105. SOLAR TECHNOLOGY DEMONSTRATION PROJECTS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide grants for demonstration projects to support the development of solar energy production, consistent with the Solar Technology Roadmap as available.

(b) IMPLEMENTATION.—In carrying out the demonstration program under this section, to the extent practicable, the Secretary shall—

(1) include at least 10 photovoltaic technology projects that generate between 1 and 3 megawatts;

(2) include at least 3 but not more than 5 solar technology projects that generate greater than 30 megawatts; and

(3) make awards for projects that—

(A) are located and can be replicated at a wide range of sites;

(B) are located and can be replicated in a variety of regions and climates;

(C) demonstrate technologies that address intermittency, transience, storage challenges, and independent operational capability;

(D) facilitate identification of optimum techniques among competing alternatives;

(E) include business commercialization plans that have the potential for production of equipment at high volumes;

(F) improve United States competitiveness and lead to development of manufacturing technology;

(G) demonstrate positive environmental performance through life-cycle analysis;

(H) provide the greatest potential to reduce energy costs for consumers;

(I) promote overall electric infrastructure reliability and sustainability should grid functions be disrupted or damaged; and

(J) satisfy other criteria that the Secretary considers necessary to carry out the program.

(c) GRANT AWARDS.—Funding provided under this section may be used, to the extent that funding is not otherwise available through other Federal programs or power purchase agreements, for—

(1) a necessary and appropriate site engineering study;

(2) a detailed economic assessment of site-specific conditions;

(3) appropriate feasibility studies to determine whether the demonstration can be replicated;

(4) installation of equipment, service, and support;

(5) operation for a minimum of 3 years and monitoring for the duration of the demonstration; and

(6) validation of technical, economic, and environmental assumptions and documentation of lessons learned.

(d) GRANT SELECTION.—Not later than 90 days after the date of enactment of this Act and annually thereafter, the Secretary shall conduct a national solicitation for applications for grants under this section. Grant recipients shall be selected on a merit-reviewed, competitive basis. The Secretary shall give preference to proposals that address multiple elements described in subsection (b).

(e) LIMITATIONS.—Funding shall not be provided under this section for more than 50 percent of the costs of the project for which assistance is provided. Not more than a total of $300,000,000 shall be provided under this section for the period encompassing fiscal years 2011 through 2015.

SEC. 106. PHOTOVOLTAIC PERFORMANCE STUDY.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Congress and the Solar Technology Roadmap Committee the results of a study that analyzes the performance of photovoltaic installations in the United States. The study shall assess the current performance of photovoltaic installations and identify opportunities to improve the energy productivity of these systems. Such study shall include—

(1) identification of the average energy productivity of current commercial and residential installations;

(2) assessment of areas where energy productivity is reduced, including wire loss, module mismatch, shading, dust, and other factors;

(3) identification of technology development and technical standards that improve energy productivity;

(4) analysis of the potential cost savings and energy productivity gains to the Federal, State, and local governments, utilities, private enterprise, and consumers available through the adoption, installation, and use of high-performance photovoltaic technologies and practices; and

(5) an overview of current government incentives at the Federal, State, and local levels that encourage the adoption of highly efficient photovoltaic systems and practices.

(b) PUBLIC INPUT.—The Secretary shall ensure that interested stakeholders, including affected industry stakeholders and energy efficiency advocates, have a meaningful opportunity to provide comments, data, and other information on the scope, contents, and conclusions of the study. All forums for the Department to receive this input from interested stakeholders shall be announced in the Federal Register.

SEC. 107. SOLAR ENERGY PROGRAM REAUTHORIZATION.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out section 101(a)—

(1) $350,000,000 for fiscal year 2011;

(2) $400,000,000 for fiscal year 2012;

(3) $450,000,000 for fiscal year 2013;

(4) $500,000,000 for fiscal year 2014; and

(5) $550,000,000 for fiscal year 2015.

(b) ROADMAP IDENTIFIED ACTIVITIES.—The Secretary shall dedicate a percentage of funding received pursuant to subsection (a) for research, development, and demonstration activities identified by and recommended under the Solar Technology Roadmap in the following percentages:

(1) For fiscal year 2012, at least 30 percent.

(2) For fiscal year 2013, at least 45 percent.

(3) For fiscal year 2014, at least 60 percent.

(4) For fiscal year 2015, at least 75 percent.

(c) SOLAR TECHNOLOGY ROADMAP.—The Secretary may use up to $2,000,000 of the funds appropriated pursuant to subsection (a) for each fiscal year to support the establishment and maintenance of the Solar Technology Roadmap.

(d) EXTENSION OF AUTHORIZATIONS.—Of funds authorized by subsection (a), there are authorized to be appropriated to the Secretary to carry out—

(1) section 602 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17171) $12,000,000 for each of the fiscal years 2013 through 2015;

(2) section 604 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17172) $10,000,000 for each of the fiscal years 2013 through 2015;

(3) section 605 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17173) $3,500,000 for each of the fiscal years 2013 through 2015; and

(4) section 606 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17174) $2,500,000 for each of the fiscal years 2013 through 2015.

SEC. 108. EXISTING PROGRAMS.

Except as otherwise specified in this Act, this Act shall supersede any duplicative solar research, development, and demonstration programs within the Department of Energy.

SEC. 109. REPEALS.

The following are hereby repealed:

(1) The Solar Energy Research, Development, and Demonstration Act of 1974 (42 U.S.C. 5551 et seq.), except for section 10.

(2) The Solar Photovoltaic Energy Research, Development, and Demonstration Act of 1978 (42 U.S.C. 5581 et seq.).

(3) Section 4(a)(2) and (3) of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (42 U.S.C. 12003(a)(2) and (3)).

TITLE II—PHOTOVOLTAIC RECYCLING

SEC. 201. PHOTOVOLTAIC DEVICE RECYCLING RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) DEFINITION.—In this section, the term ''photovoltaic device'' includes photovoltaic cells and the electronic and electrical components of such devices.

(b) IN GENERAL.—In order to address the issues described in section 102(b)(1)(G), the Secretary shall award multiyear grants for research, development, and demonstration activities to create innovative and practical approaches to increase reuse and recycling of photovoltaic devices and, through such activities, to contribute to the professional development of scientists, engineers, and technicians in the fields of photovoltaic and electronic device manufacturing, design, refurbishing, and recycling. The activities supported under this section shall address—

(1) technology to increase the efficiency of photovoltaic device recycling and maximize the recovery of valuable raw materials for use in new products while minimizing the life-cycle environmental impacts such as greenhouse gas emissions and water usage;

(2) expanded uses for materials from recycled photovoltaic devices;

(3) development and demonstration of environmentally responsible alternatives to the use of hazardous materials in photovoltaic devices and the production of such devices;

(4) development of methods to separate and remove hazardous materials from photovoltaic devices and to recycle or dispose of those materials in a safe manner;

(5) product design and construction to facilitate disassembly and recycling of photovoltaic devices;

(6) tools and methods to aid in assessing the environmental impacts of the production of photovoltaic devices and photovoltaic device recycling and disposal;

(7) product design and construction and other tools and techniques to extend the life cycle of photovoltaic devices, including methods to promote their safe reuse;

(8) strategies to increase consumer acceptance and practice of recycling of photovoltaic devices; and

(9) processes to reduce the costs and environmental impact of disposal of toxic materials used in photovoltaic devices.

(c) MERIT REVIEW.—Grants shall be awarded under this section on a merit-reviewed, competitive basis.

(d) APPLICATIONS.—Each application shall include a description of—

(1) the project that will be undertaken and the contributions of each participating entity;

(2) the applicability of the project to increasing reuse and recycling of photovoltaic devices with the least environmental impacts as measured by life-cycle analyses, and the potential for incorporating the research results into industry practice; and

(3) how the project will promote collaboration among scientists and engineers from different disciplines, such as electrical engineering, materials science, and social science.

(e) DISSEMINATION OF RESULTS.—The results of activities supported under this section shall be made publicly available through—

(1) development of best practices or training materials for use in the photovoltaics manufacturing, design, refurbishing, or recycling industries;

(2) dissemination at industry conferences;

(3) coordination with information dissemination programs relating to recycling of electronic devices in general;

(4) demonstration projects; and

(5) educational materials for the public produced in conjunction with State and local governments or nonprofit research organizations on the problems and solutions related to reuse and recycling of photovoltaic devices.

(f) PHOTOVOLTAIC MATERIALS PHYSICAL PROPERTY DATABASE.—

(1) IN GENERAL.—The Secretary shall establish a comprehensive physical property database of materials for use in photovoltaic devices. This database shall include—

(A) identification of materials used in photovoltaic devices;

(B) a list of commercially available amounts of these materials;

(C) amounts of these materials projected to be available through mining or recycling of photovoltaic and other electronic devices; and

(D) a list of other significant uses for each of these materials.

(2) PRIORITIES.—The Secretary, working with private industry, shall develop a plan to establish priorities and requirements for the database under this subsection, including the protection of proprietary information, trade secrets, and other confidential business information.

(3) COORDINATION.—The Secretary shall coordinate with the Director of the National Institute of Standards and Technology and the Administrator of the Environmental Protection Agency to facilitate the incorporation of the database under this subsection with any existing database for electronic manufacturing and recycling.

The Acting CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111–304. Each amendment may be

offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GORDON OF TENNESSEE

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–304.

Mr. GORDON of Tennessee. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GORDON of Tennessee:

Page 4, line 21, amend paragraph (1) to read as follows:

(1) photovoltaics and related electronic components, including inverters, charge controllers, and energy monitors;

Page 5, line 16, insert ''Federally-Funded Research and Development Centers,'' after ''national laboratories,''.

Page 6, lines 9 through 12, amend subsection (e) to read as follows:

(e) LIMITATION.—The Department of Energy shall provide awards to projects for research, development, and demonstration of solar technologies and solar manufacturing in the United States.

Page 8, line 9, strike ''and''.

Page 8, line 11, insert ''and'' after the semicolon.

Page 8, after line 11, insert the following new clause:

(v) the technologies used to condition solar energy, including inverters, DC/DC converters, and battery chargers;

Page 8, line 21, strike ''; and'' and insert a semicolon.

Page 8, line 22, redesignate subparagraph (H) as subparagraph (I).

Page 8, after line 21, insert the following new subparagraph:

(H) ways to reduce regional disparity in the use of solar technologies; and

Page 9, line 8, strike ''and''.

Page 9, line 11, strike the semicolon and insert ''; and''.

Page 9, after line 11, insert the following new subparagraph:

(E) improving the cost effectiveness and quality control of domestic manufacturing of implements and devices used in the production of solar energy;

Page 9, lines 12 and 15, redesignate paragraphs (4) and (5) as paragraphs (5) and (6), respectively.

Page 9, after line 11, insert the following new paragraph:

(4) identify best practices for Department of Energy national laboratories in their collaborations with institutions of higher education and private industry to more efficiently and effectively bring new solar technologies to the marketplace;

Page 10, after line 3, insert the following new subsection:

(d) CONSULTATION.—The Solar Roadmap Committee shall consult with the Department of the Interior, the National Park Service, the Department of Defense, and the General Services Administration on the potential for solar demonstration projects on Federal lands.

Page 10, line 15, insert '', solar applications developers,'' after ''including manufacturers''.

Page 12, after line 21, insert the following new paragraph:

(7) GEOGRAPHIC DISTRIBUTION.—The Secretary shall consider individuals that represent diverse geographic regions of the United States for membership of the Committee.

Page 13, line 3, insert '', applications,'' after ''solar technologies''.

Page 13, line 16, redesignate subsection (e) as subsection (f).

Page 13, after line 15, insert the following new subsection:

(e) LIMITATION.—The Committee shall provide guidance on technological goals and activities but, consistent with requirements for the selection of recipients of funding on a merit-reviewed, competitive basis under section 101(b), shall not recommend or select specific recipients of funds.

Page 14, lines 17 and 18, amend subparagraph (A) to read as follows:

(A) are located in geographically dispersed regions of the country and are not concentrated in any single geographical region of country;

Page 15, line 10, insert '', as well as promote accessibility and community implementation of demonstrated technologies,'' after ''energy costs''.

Page 16, lines 3 and 4, amend paragraph (5) to read as follows:

(5) operation for a minimum of 3 years, using a monitoring methodology approved by Secretary; and

Page 16, after line 19, insert the following new subsection:

(f) ORGANIC PHOTOVOLTAIC CELL TECHNOLOGIES.—At least 1 demonstration project awarded under this section during fiscal year 2011 shall be for the demonstration of organic photovoltaic cell technologies.

Page 17, line 17, strike ''; and'' and insert a semicolon.

Page 17, line 21, strike the period and insert ''; and''.

Page 17, after line 21, insert the following new paragraph:

(6) assessment of current financing models available to consumers used to offset high upfront costs by accounting for the long term economic benefits of solar energy.

Page 18, line 5, and page 19, lines 18 and 22, redesignate sections 107 through 109 as sections 108 through 110, respectively.

Page 18, after line 4, insert the following new section:

SEC. 107. REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary shall commence a study evaluating potential applications of micro power stations using solar power technology in underserved communities lacking in basic electric or traditional power infrastructure, and make recommendations to Congress for increasing access to and implementation of solar energy technology in such underserved communities.

Page 20, after line 9, insert the following new section:

SEC. 111. SOLAR TECHNOLOGY EQUIPMENT THEFT.

(a) PILOT PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall establish a pilot program to make grants for projects to protect against solar technology equipment theft, including projects for mapping of large-scale solar projects and equipment serial number registries.

(b) REPORT TO CONGRESS.—Not later than 1 year after the establishment of the pilot program under subsection (a), the Secretary of Energy shall transmit to the Congress a report on the effectiveness of projects supported under this section, which shall include recommendations for the continuation or alteration of the program under this section or any other appropriate Federal legislation.

The Acting CHAIR. Pursuant to House Resolution 846, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

This amendment includes a number of good ideas from my colleagues who today were not fortunate enough to be on our committee, so I am happy to support them all, and I appreciate their contribution to making this a better bill.

The amendment also incorporates important clarifying language that the our staff worked out with our committee colleagues and partner, Dr. BARTLETT, to ensure that the road map committee only has the power to provide guidance on technological goals and activities and cannot recommend or select specific recipients of funds. This amendment provides further protection against any conflicts of interest on the road map committee, and I strongly urge my colleagues to support it.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not necessarily opposed to all of them.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. Mr. Chairman, the manager's amendment includes 14 separate amendments that were submitted to the Rules Committee. I am supportive of a number of the provisions, including those that promote solar demonstration projects on Federal lands and those that promote geographic diversity for members of the solar road map committee. Most of these amendments make minor changes, and I don't oppose those. I have some questions with a few of the provisions, which I hope the chairman might be able to speak to.

Mr. HASTINGS' amendment would fund community implementation of solar technologies, which I am not sure is an appropriate use of funds in the bill. Mr. POLIS' amendment seems to be the attempt to study financial incentives available to convince people to use solar energy, but I am uncertain what he really seeks to accomplish.

Can the chairman shed some light on the need for this language and whether this is an appropriate use of funds in the bill?

Finally, Mr. THOMPSON's amendment that would use funding in the bill for demonstration projects to protect against solar technology equipment theft, I am concerned about the cost of this project and whether or not this is

an appropriate research and development project for the bill, it is a research and development project, and how big of a problem is this and what types of products are being stolen.

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

Mr. GORDON of Tennessee. Mr. Chairman, I yield to the gentlewoman from San Diego, Mrs. DAVIS, for as much time as she may consume.

Mrs. DAVIS of California. I thank my colleague for yielding the time.

Mr. Chairman, I rise today in strong support of H.R. 3585, the Solar Technology Roadmap Act. I think that it is so important.

I am very proud of my community of San Diego because we are known, as everyone is aware, of our perennial sunshine. I also wanted to assure our colleagues that we are not just basking in those rays; in fact, we are putting them to work. San Diego has been working to put that sun to use for some time.

Our city ranks first among California cities for use of solar energy according to a recent report by the Environment California Research & Policy Center. Our city's solar friendly policies, such as our quicker permitting for buildings that use solar power and a pilot program to offer homeowners incentives for solar installations, has made us really a bellwether for clean energy operations.

The other very, very critical issue that I want to applaud is our military and our Navy, because the Navy Region Southwest has taken great advantage of this wonderful resource that we have in our sun by investing in solar panels throughout San Diego bases, saving both energy and taxpayer dollars. There are a number of parking lots that are shielded by solar panels, a number of the buildings that have been transferred over the years. So this kind of sustainability of many of our military installations and buildings in San Diego is critically important for us. It makes a huge difference.

I certainly hope that other cities can take a look at what we have been able to accomplish and that San Diego's leadership can serve as a road map for other cities. As we guarantee our country's leadership for providing a road map for financial and structural investments in the research and development of solar energy, we can continue to move forward with the kind of momentum that is really critical, and that is what this bill is providing.

The public-private partnerships that will result from this bill will help make solar energy more affordable and accessible for all Americans. I see in my own neighborhood the changes that are occurring, pilot projects, solar projects in front of homes throughout the community. That sends a very powerful message to people.

I am thrilled to be a cosponsor of this legislation, and I encourage my colleagues on both sides of the aisle to support H.R. 3585.

Mr. HALL of Texas. Mr. Chairman, I continue to reserve my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Ranking Member HALL, to respond to your question, the manager's amendment was a compilation of a variety of amendments that had been presented to the Rules Committee. In an effort to expedite the process here today, there was no mention of opposition to these. The minority staff had access to these amendments at the same time that we had them. We heard no opposition, so we tried to batch them together so that the process could move forward more expeditiously.

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

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. MITCHELL. Mr. Chair, I rise in support of the Manager's Amendment to the Solar Technology Roadmap Act, H.R. 3585.

We're lucky in Arizona to enjoy over 300 days of sunshine. We have a real opportunity to brighten our state's future by investing in solar energy research and technology.

As solar technology advances, I believe that Arizona will be a leader in clean, alternative energy production. Refocusing our energy production on alternative sources such as solar is critical for our national security and the environment.

Moreover, investing in solar energy is vital to Arizona's economy.

With the help of solar tax credits, Abengoa Solar and Arizona Public Service are developing the world's largest solar energy plant outside of Gila Bend. The Solana solar generating station will create 1,500 to 2,000 jobs and provide clean, emission-free energy for 70,000 homes. Solana is expected to ultimately spur $1 billion in economic development.

H.R. 3585, the Solar Technology Roadmap Act, is critical in order to spur further research and development of solar technology. This legislation would establish a Solar Technology Roadmap Committee tasked with creating a Solar Technology Roadmap to evaluate near-term, mid-term, and long-term research, development, and demonstration needs in solar technology. This Committee would include stakeholders in the solar industry to provide insights on the deployment of this technology.

I would like to thank Chairman GORDON for working with me to ensure that the Solar Technology Roadmap would also address an important obstacle blocking the advancement of solar technology today—namely that this technology is expensive.

I offered an amendment to H.R. 3585 to ensure that the Solar Technology Roadmap includes research and development goals for improving the cost-effectiveness of domestic manufacturing of implements and devices used in the production of solar energy.

The Chairman graciously agreed to include my amendment in the manager's amendment.

If we are serious about making large-scale solar energy production a reality, it is critical that we focus our research efforts on ensuring that solar technology is affordable and competitive with other sources of energy.

I would also like to take a moment to thank Congresswoman GIFFORDS for her hard work on this bill.

I urge my colleagues to support the manager's amendment as well as the underlying legislation.

Mr. GORDON of Tennessee. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111–304.

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BROUN of Georgia:

Page 18, lines 7 through 12, strike ''section 101(a)'' and all that follows through ''2015'' and insert ''section 101(a) $250,000,000 for each of the fiscal years 2011 through 2013''.

The Acting CHAIR. Pursuant to House Resolution 846, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

(Mr. BROUN of Georgia asked and was given permission to revise and extend his remarks.)

Mr. BROUN of Georgia. Mr. Chairman, I yield myself as much time as I may consume.

Energy independence and innovation are essential to America's national as well as economic security. Current rising energy costs only reinforce this critical need. Last summer's record-breaking prices of fuel exposed the consequences of the failure to have a comprehensive national energy strategy, one that makes America energy independent.

Many believe the debate is oil and gas versus wind, solar, and renewable sources of energy. That assumption is absolutely false. We need all of the sources of fuel that we know about, both current and any possible ones that we can develop in the future.

Today's bill focuses on one of those sources of very much needed energy, solar energy. The technological advances in solar-generated energy are growing every day. Specifically, during committee markup, our friend and colleague, Dr. EHLERS, shared with us an ingenious new technology that may only be a year away from the market, a solar shingle.

These new shingles, which are being developed by the private sector, will be able to produce more than enough energy to power almost any modern home. I hope they get on the market very quickly. These shingles have dual purposes—the protection of the home on the roof and providing a clean energy source to the home. Further, the costs to the consumer would eventually be comparable to regular wood

shingles. This is the marketplace at its best.

Despite my strong support of these innovative and cleaner technologies, this Congress must recognize a simple fact: We do not have enough money to do all the programs that we would all like to do.

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In order to balance the noble goals of this legislation with the overwhelming pressures placed on the budget, I offer this amendment which would freeze the amount of money authorized in this bill to $250 million a year for 3 years.

In this fiscal year's Energy and Water appropriations bill, $225 million was appropriated for solar energy programs. This is in addition to the $117 million that was appropriated in the so-called stimulus—I call it the ''non-stimulus'' bill—earlier this year.

This is more than Congress can and should be doing for solar and other renewable resources, reduce and streamline regulatory burden in developing and building green technologies, actions which would not expand or increase our debt.

I urge my colleagues to support this commonsense, economically responsible amendment and reduce the burden of adding to the debt which will be passed along to our children and grandchildren.

Mr. Chairman, we have to stop the outrageous spending that this Congress is doing, and my amendment will help to do that.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GORDON of Tennessee. I yield the gentlewoman from Arizona 3 minutes.

Ms. GIFFORDS. Mr. Chairman, I would like to respond to some of the concerns that are addressed in Mr. BROUN's amendment.

Mr. BROUN's amendment would freeze the authorization level for solar R&D at $250 million per year, the same level last authorized for fiscal year 2009 in the Energy Policy Act of 2005. And note that at this funding level, it would almost be completely impossible to carry out the tasks of the robust demonstration program in this bill, in addition to the critical research that is required through the road map committee.

But I frankly believe that the best justification for the proposed authorizations in this bill comes from taking a look backward in time at the historical levels of investment in energy R&D in this country.

Mr. Chairman, between 1978 and fiscal year 2007, the United States Government spent $30 billion on R&D for nuclear energy alone. We spent another $24 billion on fossil fuel research. During that same time, however, we spent less than $6.5 billion on solar energy. And more than half of that research was performed prior to 1985.

Now, maybe some people thing these disparities are appropriate. Maybe they think that solar does not merit the same levels of investment because it is not able to provide as much energy as those technologies. However, looking at the research and where we are with the technology today, that is simply false.

Our solar resources are absolutely vast in scale, and they are capable of making a significant contribution to our energy needs. Using technology available today, solar power could meet the electricity demands of the entire United States on a square piece of land 100 by 100 miles, or 10,000 square acres. That is just one-quarter of the land currently covered by artificial lakes behind hydroelectric dams, which provide less than 7 percent of our Nation's electricity.

Scott Stephens, an engineer with the Solar Energy Technology Program at the Department of Energy, recently stated publicly that with the right incentives, solar power has the potential to provide 20 percent of America's electricity needs by 2030. That's equal to the amount of power currently provided by nuclear power plants. Yet to date, we have spent just one-tenth the resources developing solar technologies than we have spent in developing nuclear power. In the last 30 years, we have spent four times more money developing coal technology than solar, and burning coal is a technology that was developed 150 years ago.

At the end of the term covered by my bill, it would authorize $550 million to solar R&D. At the peak of the energy crisis in the 1970s, we spent $3 billion a year on nuclear power development and $1.8 billion on fossil fuels, using 2007 dollars.

Let me be clear. I fully support having strong research programs in other types of energy, whether it's nuclear or coal and a variety of other important energy options. The funding levels in this bill just recognize and help us properly take advantage of the enormous solar resources that we have in the United States.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. GORDON of Tennessee. I yield the gentlewoman 1 additional minute.

Ms. GIFFORDS. To properly take advantage of the enormous solar resources we have in the United States, and the potential to accelerate new clean energy for our economy, it is time for our investment to match the scale of opportunity. In fiscal year 2011, the Solar Technology Roadmap would authorize $350 million, which is only about 6 percent of today's energy R&D budget.

Mr. BROUN of Georgia. Mr. Chairman, I yield 2 minutes to my good friend, Mr. HALL from Texas.

Mr. HALL of Texas. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, Dr. BROUN's amendment is a fiscally conservative amendment that makes financial sense when our country is carrying a $1.4 trillion debt. Instead of authorizing a total of $2.25 billion, Dr. BROUN's amendment would authorize $750 million, keeping the authorization level more in line with the incremental increases the solar program has been appropriated over the past several years, not to mention the $117.6 million that the program has already received in the stimulus bill. This could be the amendment that would make the bill more acceptable.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Dr. BROUN is a valued member of our committee and has well deserved credentials for looking after the taxpayers' dollars. But I really think in this case it is being penny wise and pound foolish.

In the short time that I have, I want to make one quick point. The United States invented the technology for the solar industry now. Yet China is the largest manufacturer, exporter and deployer of solar in the world right now. The United States simply cannot compete with them in terms of wages. We do not want to work for $2 or $3 an hour. We do not want to have our kids to do that. So we have to be ahead of them in technology.

For that reason, we are going to have to invest in that technology so that we can make our solar panels and our solar industry be such that we are not only manufacturing it, but we are also putting forth the best technology. That is why this investment is important. That is why this is an investment in our future and our kids.

And with that, Mr. Chairman, I yield back the balance of my time.

Mr. BROUN of Georgia. Mr. Chairman, if the philosophy is that government has to supply all the money for all the research and development in this country, particularly for energy resources or anything else, then it makes sense to pour more and more money into this kind of development, but we are stealing our grandchildren's future. They are going to live at a lower standard.

Mr. Chairman, we just simply have to stop the spending and control what we are doing. We cannot spend ourselves into economic prosperity. It's going to cost jobs in this country. We are going to go into an economic slump and a downturn if we don't stop spending money here in Congress.

So my amendment will certainly continue to fund solar energy, which we desperately need; but the private sector, Mr. Chairman, can do that also. Government is not the only source of funds. The private sector is already developing things, as I stated in my opening statement for these shingles.

We have to stop robbing our grandchildren's future.

And with that, Mr. Chairman, I urge all Members on both sides to support my amendment. It's a commonsense, fiscally responsible amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–304.

Mr. HASTINGS of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HASTINGS of Florida:

Page 10, line 22, strike ''and''.

Page 10, line 23, redesignate subparagraph (G) as subparagraph (H).

Page 10, after line 22, insert the following new subparagraph:

(G) minority-serving institutions; and

The Acting CHAIR. Pursuant to House Resolution 846, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I rise today to offer this amendment to H.R. 3585, the Solar Technology Roadmap Act, to guarantee minority-serving institutions are represented in the solar technology road map committee.

Mr. Chairman, I'm a bit melancholy because I'm here with two colleagues that I cut my eye teeth in Congress with from the Science Committee, Mr. GORDON, the now-Chair, and the ranking member, Mr. HALL. And it seems that 19 years kind of like went real fast. Somewhere along the way, I had hair then, Mr. GORDON's hair was black, and Mr. HALL's hair was white; but he had more of it at that time. But it's a pleasure, and it's refreshing to see the comity that existed when I came here 19 years ago continuing on this committee. And I applaud them in that regard for bringing significant bipartisan legislation to the floor.

As a Member representing the sunshine State of Florida, I feel that we must seize the opportunity to research and develop solar technology. Solar power is an innate source that can provide much advancement in the world of energy and technology. It is critical to ensure that members appointed to the solar technology road map committee are a diverse group of Americans who will carry out the mission of this act.

I believe that minority-serving institutions have a history of technical expertise, where many are actually land grant institutions, thus they have significant extension efforts which translate research into applied resources for the communities they serve.

My law school alma mater and the alma mater of Representative CORRINE BROWN and Representative KENDRICK MEEK, Florida Agricultural and Mechanical University in Tallahassee, Florida, has been a land grant institution educating African Americans and other Americans since 1890. The university offers an extensive catalog of degree programs with a strong and efficient research division. FAMU's research division has been involved in cutting-edge research that has led to numerous technological and scientific advancements.

Mr. Chairman, essentially, this amendment reminds the Secretary of Energy, responsible for implementing the solar technology road map resulting from this legislation, to incorporate diverse expertise. Involving institutions such as FAMU will ensure a full spectrum of voices contribute to determining the best course for seizing the enormous potential of solar technology.

I ask my colleagues for their support of this amendment, and I deeply thank Congresswoman GIFFORDS for offering the underlying legislation.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. Mr. Chairman, this amendment seeks to ensure minority institutions are represented on the solar technology road map committee established in this bill. I certainly have no objections to this amendment.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman has 90 seconds remaining.

Mr. HASTINGS of Florida. Then I am pleased at this time to yield 90 seconds to my friend, Mr. CUELLAR.

Mr. CUELLAR. Mr. Chairman, I rise again to support the Solar Technology Roadmap Act and of course Mr. HASTINGS and the work that he has done. I had offered an amendment that got included to authorize the Secretary of Energy to study micropower solar power technology used in underserved communities that lack basic electric and traditional powers.

I think my friends from Texas are familiar with the colonias. They understand that this is important to provide power to those areas that have literally no electricity. And this particular bill and this particular amendment will go a long way to make sure that these communities are provided the support they need.

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What this calls for is for the Secretary to provide a study to take the resources that we have, especially in south Texas, the sunlight, and put it to work to power these communities.

We have worked together to work and put some micro power stations to use in areas like Webb County in south Texas, and I believe that by getting these recommendations to be sent to Congress for increasing assets to solar energy and to help address the problems that exist in those low-income communities, this will go a long way. We can harness this 21st century technology to bring these areas out of 19th century conditions.

Mr. Chairman, I want to thank you very much, and also Ms. GIFFORDS, and our ranking member.

I urge Members to vote for the Hastings amendment, and of course for this bill.

Mr. Chairman, I rise today to encourage my colleagues to support the manager's amendment to the Solar Technology Roadmap Act.

I authored an amendment, included in this manager's amendment, to authorize the Secretary of Energy to study micro power solar power technology use in underserved communities that lack basic electric or traditional power infrastructure.

I thank the distinguished Chairman Ms. GIFFORDS for including my amendment in the manager's amendment. This important amendment will go a long way towards helping communities along the southern border.

In my home state of Texas, many of these communities are called colonias.

They are commonly found on the United States/Mexico border, in underdeveloped areas across the state, and also in areas of New Mexico, Arizona, and California.

These communities exist with conditions typically found only in developing nations—no plumbing, no roads, and no power.

Texas has both the largest number of colonias and the largest colonia population.

According to the State of Texas, about 400,000 Texans live in colonias.

The development of Texas colonias dates back to least the 1950s, when developers created unincorporated subdivisions using agriculturally worthless land or land that lay in floodplains or in other rural properties.

They divided the land into small lots, put in little or no infrastructure, and then sold them to low-income individuals seeking affordable housing.

This study will hopefully take a resource that is vast in South Texas, sunlight, and put it to work to serve and power these communities.

I have worked in the past to put these micro power stations to use in Webb County, to provide small, isolated communities with power, and this amendment builds on that to hopefully expand power to so many more families of South Texas.

The manager's amendment includes my plan to direct the Secretary of Energy to present to Congress recommendations for increasing access to solar energy and to help address the problems that exist in these low income communities.

We can harness this 21st century technology to bring these areas out of 19th century conditions.

Mr. Chairman, I applaud your leadership on this important Manager's amendment, and I urge all my colleagues to vote "yes."

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. CARDOZA

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–304.

Mr. CARDOZA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. CARDOZA:

Page 4, lines 1 through 3, amend subparagraph (B) to read as follows:

(B) solar thermal power technology, including linear concentrator systems, dish/engine systems, power tower systems, and other means;

Page 14, line 15, strike ''and''.

Page 14, line 16, redesignate paragraph (3) as paragraph (4).

Page 14, after line 15, insert the following new paragraph:

(3) include at least 2 solar thermal technology projects, with thermal storage, that generate between 1 and 3 megawatts continuously for a 24-hour period from energy provided entirely by the sun; and

The Acting CHAIR. Pursuant to House Resolution 846, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Chairman, I rise today in support of my amendment, a measure that expands the type of technologies that the Department of Energy should consider when planning for future solar.

The Central Valley in California is home to many solar technology companies and to the University of California at Merced, a leader in solar research. However, my constituents tell me that they are unable to take advantage of several of the Department of Energy grant application processes because the Department has a very narrow view of the future of solar.

As someone with solar panels on my home in my hometown of Atwater, I understand the tremendous benefit that solar power will have on our country and economy, and I want to ensure that our current planning is done correctly. Instead of limiting the potential of solar power, we should be expanding that potential and letting the full imagination of American ingenuity take charge.

My amendment is very simple: it expands the type of technologies that the Department of Energy should consider when planning solar technology road maps, and it directs the Department to focus resources on different types of solar technology.

Specifically, my amendment expands the definition of solar technology to include solar thermal power technology and not just electronic photovoltaic technology. This would facilitate the funding of solar projects and replace all types of polluting technologies, including diesel.

Secondly, my amendment directs the Department of Energy's demonstration program to include solar thermal projects that operate using solar power only. Some solar plants are built with gas-fired plants next door to them to generate power when the sun is not available. If we as a country are going to wean ourselves away from dirty energy, then we must develop technologies that eliminate the use of pollutants completely and stop settling for hybrids. I know we can do better than this. And this amendment instructs the Department of Energy to look harder and wider at these technologies.

I urge the passage of my amendment, and I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. Mr. Chairman, this amendment would simply expand the types of technology the Energy Secretary can consider from solar thermal electric technology to solar thermal power technology and require the Secretary to include at least two solar thermal technology projects with thermal storage in the demonstration project funded under the bill. I see no problem with that, and I have no objection to the amendment.

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

Mr. CARDOZA. Mr. Chairman, I want to thank my colleague and my friend, the gentleman from Texas, for his support of this amendment.

I would like to yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I want to thank my colleague from California for this expansion, and my colleague on the other side for supporting his amendment.

I come to the floor because, in my own work as chairman of a subcommittee that engages in construction of courthouses and of Federal buildings throughout the United States, we have been trying to make the United States lead by example. The cost of all of this, I say to my colleague, will go down tremendously if the Federal Government is in this big time.

Your attention to thermal technology with regard to solar is very important. Just this morning, I went to speak to the International Brotherhood of Electrical Workers who are deeply engaged in this work in military institutions and the defense industries. Already we read that 30,000 jobs have come out of the stimulus just reported last week. And what is important about the stimulus is that every bit of construction is built around energy conservation; will not put on a roof, will not do an HVAC system, will not upgrade any part of a building unless at the center is energy conservation, because the taxpayers pay for this energy in leasing even. We do bulk leasing, which means we pay for the heat; we pay for the air conditioning. So to the extent that the gentleman is making us expand the horizons, he does the Nation a great service.

The Chinese are way ahead of us in research. They have trumped us even in manufacturing. This rushes us to manufacturing and moves the Nation ahead so that we regain our leadership on technology, a leadership, I regret to say, that we have already lost in solar, but this bill and the gentleman's amendment helps us to quickly catch up.

I thank the gentleman for yielding.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. CARDOZA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. KAPTUR

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111–304.

Ms. KAPTUR. Mr. Chairman, I rise to offer an amendment as designated amendment No. 5 in House Resolution 846.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. KAPTUR:

Page 9, line 14, strike ''and''.

Page 9, line 15, redesignate paragraph (5) as paragraph (7).

Page 9, after line 14, insert the following new paragraphs:

(5) provide recommendations on the necessary steps required to strengthen the link between solar technology research and the commercialization of those technologies into full scale manufacturing, including the retooling and reworking of the Nation's existing technological and manufacturing base, as well as coordinating the national strategy in regions where solar technology clusters currently exist;

(6) provide recommendations to Federal agencies on corresponding strategies to accelerate domestic commercialization of newly developed solar technologies; and

The Acting CHAIR. Pursuant to House Resolution 846, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, first let me thank the distinguished gentlewoman from Arizona, Congresswoman GIFFORDS, for her leadership in developing this legislation, and the Democratic and Republican leadership of the Science and Technology Committee, Chairman BART GORDON of Tennessee and Ranking Member Mr. RALPH HALL of Texas.

Truly, for my region, which is one of the three leading solar centers in the hemisphere, Toledo, Ohio, and an area enduring great economic transition, solar energy is so much a part of our future.

My amendment is very straightforward. It directs the committee charged with outlining the needs of the solar industry to consider the outcomes for domestic solar manufacturing and commercialization in the United States. The amendment also asks the committee to consider the policies of other Federal agencies for encouraging solar commercialization.

We know that while the United States has long been the leader in research and development of solar technologies—and let me hold one of them up, one of the newest solar inventions from my region which is actually going to be on all our roofs someday. It doesn't have glass in it, but it's seven layers, and it is part of the future of solar building technologies in this country. Our children and grandchildren will come to know it very well.

We have had a lot of creative geniuses out there developing solar patents and new technologies, but our country seems to have lost the lead in solar deployment and manufacturing. With dramatic advances in Germany, Spain, and China, our country needs a unified strategy for developing a competitive domestic solar industry.

For the last 100 years, our community, which has been known as the glass center of the world, has been devoting our best minds to the exploration of traditional energy resources. We are now converting and building on what we've known in the past to something new and innovative.

Regressive research and development practices and our reliance as a country on foreign oil helped precipitate our economic decline and strategic vulnerability. I have always believed that our dependence on imported petroleum is America's chief strategic vulnerability. In fact, in 2006 alone, $270 billion, or one-third of the total $836 billion U.S. trade deficit, resulted from imported petroleum. That's right, one-third of our trade imbalance is the result of imported oil and our oil addiction.

The economic, political and environmental future of our country lies in our ability to transition our economy from traditional energy sources and to ensure we produce and manufacture the clean power sources here at home. That, coupled with conservation and our building technologies, can make tremendous strides.

Between 1943 and 1999, the nuclear industry of our country received over $145 billion in Federal subsidies. But the solar industry, by contrast, which is our future, only got about $4.4 billion for solar energy development; that's less than 3 percent of what was received by the nuclear industry. If we are going to invest the billions needed in solar, and which we have no choice but doing, there needs to be a road map that guides our policies and promotes not just research and development, but leads to the creation of a domestic industry without outsourcing. We should be exporting, not outsourcing.

We must ensure that Federal policy takes these technologies from the drawing board to the manufacturing line as we've done in so many other industries; otherwise, we will find that offshoring will occur as it has in other industries and that global trade practices will allow foreign imported solar production here, and our domestic manufacturers will not be able to keep pace.

As my colleagues join me on the floor and wonder why an amendment like this is necessary, let me provide you with an example from my hometown of Toledo; and as I mentioned, it is now one of the leading three solar centers in the hemisphere. Toledo, Ohio is a city in transition. Throughout the 20th century we were known as the glass capital of the world. With the world's glass giants—Libby-Owens-Ford, Owens-Illinois, Owens-Corning and Libby—all headquartered in our district, the city provided reliable transportation, cheap natural gas, and silicate and limestone building materials. As the glass industry advanced, the titans of glass spun off glass technologies into some of the early solar technologies that local talent created. In fact, the hottest stock on Wall Street in the last couple of years has been First Solar that is headquartered in our district. It was spun off from research at our University of Toledo hand in hand with our glass industry leaders.

Leaders coming from the glass and automotive industry in our region, such as Dr. Harold McMaster and Norman Nitschke, who were the founders of First Solar, and other entrepreneurs—Norm Johnson, Xunming Deng and his wife, Liwein Xu, Al Campaan—all of these wonderful Americans are helping to build our future in places like Toledo.

The Acting CHAIR. The time of the gentlewoman from Ohio has expired.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. I yield the gentlelady 1 additional minute.

Ms. KAPTUR. These private sector researchers at the University of Toledo have continued investing in these designs and have birthed new solar companies that will be the Fortune 500 of the next generation. Companies like Xunlight, Innovative Greenfields, Solar Fields, Calyxo, Willard & Kelsey—these were born because of an innovative incubation strategy that helped our researchers make the leap from science to manufacturing.

Mr. Chairman, the base bill and this amendment provide the direction to transform our solar industry and breathe life into our idle industrial economy to produce the advanced energy products of tomorrow and to restore America's energy independence.

I again compliment the gentlelady from Arizona for her leadership, and I thank both Chairman GORDON and Ranking Member HALL so very much for their time today.

I urge a ''yes'' vote on the amendment and the base bill.

[From the Wall Street Journal, Dec. 18, 2007]

TOLEDO FINDS THE ENERGY TO REINVENT ITSELF

(By Jim Carlton)

TOLEDO, OHIO.—This city became famous in the last century for being one of North America's leading glass centers. The industry has been in decline since the 1980s, but Toledo hopes to be known for its glass again. This time, though, the glass is being coated with thin layers of chemicals to produce ecofriendly ''solar cells.''

Toledo is among several old-line industrial cities trying to reinvent themselves—sometimes based on their older industries—to cash in on the demand for alternative energy. In 2006, solar start-up United Solar Inc. said it would open thin-film factories in Auburn Hills and Greenville, two Michigan towns hit hard by the automotive decline. And last year, a wind-generation plant began construction on the grounds of a shuttered Bethlehem Steel plant in Lackawanna, N.Y.

Industry officials say older industrial cities offer the clean-tech industry some advantages, including less community opposition to new plants. ''The good thing about the Rust Belt is they want factories there,'' says Ron Kenedi, vice president of Sharp Corp.'s Solar Energy Solutions Group, which is based in Huntington Beach, Calif.

Recently, Norm Johnston, a former executive at Toledo glass companies, showed how Solar Fields LLC, a start-up he runs, was leveraging the old glass industry. Walking to the back of a 22,000-square-foot former machine shop in the nearby suburb of Perrysburg, he patted the blue metal casing on a 100-foot-long production line, which his company has designed to coat sheets of glass heated to more than 1,100 degrees with chemicals to make solar cells.

''I started in glass, and now I'm back in glass,'' says Mr. Johnston, whose start-up has recently been acquired by German solar-panel maker Q-Cells AG.

There is similar activity at several other sites in this metropolitan area of 600,000. Companies from Phoenix-based First Solar Inc. to Xunlight Corp. are opening factories in and around Toledo to create electricity-producing ''thin-film'' solar panels on glass and other materials. While not rated as efficient as the more prevalent silicon-based solar cells, thin film has taken off in the last year because of soaring demand for alternative energy and a world-wide silicon shortage. It is also cheaper to make than silicon cells.

In addition to First Solar, which in 1999 built a factory in Perrysburg that now employs about 600, the University of Toledo is receiving state grants to expand its solar research and incubate thin-film spinoffs. So far, the university has incubated four solar start-ups, including Solar Fields, Xunlight, Innovative Thin Films Ltd. and Advanced Distributed Generation LLC. Toledo's Regional Growth Partnership, a nonprofit economic development group, is also using state grants to help fund solar and other alternative energy start-ups.

''I think alternative energy is one of the major hopes for northwest Ohio,'' says John Szuch, chairman of Fifth Third Bank of Northwestern Ohio.

In Toledo, the repercussions of the new solar activity are already being felt. Pilkington North America Inc., a Toledo-based unit of Japan's Nippon Sheet Glass Co., has become a major supplier to First Solar, offsetting some of the business it lost in the traditional glass industry. Pilkington officials estimate thin-film sales have grown to about 10% of revenue for its American building products division, prompting the company to beef up a research division that had been undergoing cuts. ''It's the biggest thing going for us right now in terms of glass,'' says Todd Huffman, vice president of strategic planning for Pilkington.

But clean tech isn't necessarily a panacea. Only about 5,000 solar jobs have been created in the last five years in Toledo. Meanwhile, the number of manufacturing jobs lost since the 1980s is in the tens of thousands.

Cities like Toledo may also have trouble competing with domestic clean-tech hot spots like Silicon Valley, which are in closer proximity to venture capital sources. In addition, Toledo is competing against cheaper overseas locales. First Solar, for instance, is building four manufacturing plants in Malaysia. Company officials say the Perrysburg plant remains ''critical'' to the firm's future success.

Still, Toledo has come a long way. Stricken by manufacturing declines in the automotive and other big glass-consuming sectors, the city has been in an economic malaise for much of two decades. Its population loss in the 1990s was one of the fastest in the U.S.

Toledo acquired its Glass City moniker because of a long history of innovation in all aspects of the glass business. Owens-Illinois, Owens Corning, Glasstech and Tempglass have extensive ties here. As the traditional glass industry slowed, executives explored other uses for the material.

In 1989, local inventor and glass entrepreneur Harold McMaster invested some of his millions to launch one of the city's first solar start-ups. ''He knew that sooner or later we would have to come up with a clean source of energy,'' says Alan McMaster, son of the now-deceased Mr. McMaster, an icon in the industry. Mr. McMaster's company, Glasstech Solar, became Solar Cells Inc., with research facilities at the University of Toledo and in a nearby city. In 1999, Solar Cells was acquired by a private-equity firm and became First Solar.

At the time, there was little demand in the thin-film industry. In 2002, British oil giant BP PLC pulled the plug on two thin-film plants it had had in the works for more than 10 years, amid issues including technical problems, according to a January report by the Department of Energy's National Renewable Energy Laboratory.

But rising energy costs and other events—including the blackout in the Northeast in August 2003—brought thin-film and other alternative energies back into favor. ''We said, 'There's a business opportunity here if we had solar','' recalls Solar Fields's Mr. Johnston. The university boosted its emphasis on thin-film research in 2001, and this year it shared in an $18.6 million state grant to fund the solar industry.

The school is now using the money to beef up solar research in its McMaster Hall, where some labs have been packed with equipment like a magnetron gun, which is used to spray thin-film chemicals on glass and other surfaces.

Civic leaders in Toledo now say they have the ingredients in place to turn solar into a thriving industry. In a seafood restaurant overlooking the Maumee River one recent evening, business and academic leaders discussed the city's rising solar industry and traced back its roots. ''How in the hell would we be in this business in the first place if it weren't for glass?'' asked Harlan Reichle, a local real-estate executive.

TOLEDO'S MAKEOVER: GLASS CITY TO SOLAR VALLEY

(By Chris Bury)

In Toledo, once the glass-making capital of the country, most of the city's output over the years has gone into making everything from windshields to windows for cars and buildings.

But as the auto and construction industries have declined, so too, has Toledo's manufacturing sector.

For Glen Eason, a manufacturing worker, supplying the auto industry meant waiting for the ax to fall.

''I've been scared to death for the past 10 years, to tell you the truth,'' said Eason, a Toledo native and 30-year auto supply industry veteran.

Marty Vick, 58, also spent 30 years working at an auto supplier, making seats and dashboards, only to see his job disappear. His company laid off 117 people in January.

''I never thought I'd see the day that GM, Ford and Chrysler would be at the brink of bankruptcy,'' Vick said.

That has left entire cities, including Toledo, on the brink. With its smokestack industries dying out, Toledo saw the writing on the wall and did something about it.

WATCH THE STORY TONIGHT ON ''WORLD NEWS'' AT 6:30 P.M.

To secure its future, Toledo, once known as the Glass City, embraced its past; Toledo is where glass was first mass-produced for bottles, buildings, and cars. Now, the city is turning those skills—and that tradition—to the sun.

New solar energy-related businesses are taking hold in what city officials and local executives hope will become Ohio's ''solar valley.''

''We didn't envision there would be some bailout of Toledo, so we had to do it ourselves,'' said Norm Johnston, CEO of Solar Fields, a solar startup company. ''We want to move from being the 'rust belt' to being the 'renewable energy belt.' ''

Solar Fields is on the forefront of the fast-growing ''green industry,'' supplying panels that help power a National Guard base. It is one of dozens of new companies in Toledo that now make rivers of glass into solar cells, panels and coatings.

''Our goal is to create jobs. What we like and what our favorite color is—is green. But it's the green of cash that gives you good jobs,'' Johnston said.

TOWN HAS BRIGHTER MISSION WITH SOLAR POWER

In Ohio's ''solar valley,'' 10,000 new jobs have taken root. Companies, like Xunlight, founded by researchers at the University of Toledo, are growing fast, working with experts to manufacture solar products and hiring new employees to become ''green collar'' workers.

''Last year, we grew 300 percent—from 20 employees to 80 employees today,'' said Xunming Deng, a physics professor-turned CEO of Xunlight Corp.

Executives hired from rust-belt companies, who are accustomed to downsizing, have a brighter mission in the solar business.

''In the last position, it was about how do we get rid of people,'' said Matt Longthorne, vice president of Xunlight. ''And in this position, it's how do we hire people and get bigger.''

Many of Xunlight's workers once made auto parts: everything from windshields to vinyl seats. Now they turn out thin, flexible solar modules that power homes and businesses.

What Vick gave up in hourly wages working for an auto supplier, he's gained in a brighter future—working in the solar industry, he has more job security than ever before.

''This is really high tech, cutting edge for me,'' Vick said. ''It's really, really challenging and I like it.''

Eason, who has also gone to a job in green technology, is enthusiastic, seeing his native Toledo switching gears. ''Just to be part of something that's growing and something that's good for the planet and good for the people,'' Eason said. ''Solar is going to be so immense. Solar is the new oil.''

Toledo is bailing itself out from the faded glory of the Glass City to the shiny promise of the Solar Valley.

''You have all this wonderful energy that the sun is sending to us for free and we're devising ways to capture it and put it to use,'' Eason said. ''In this area, we're in the forefront and everybody else is going to have to catch up with us.''

[From the Economist, Aug. 13, 2009]

GREENING THE RUSTBELT

Xunlight Corporation, a small manufacturer of solar panels, sits on a quiet street in Toledo. It has a professor as its president, about 100 employees on its payroll—and a lot of bigwig visitors. In October 2008 Sarah Palin, then the Republican vice-presidential candidate, used Xunlight as the setting for a speech on energy policy. Other guests have included Ohio's governor, two senators and a congresswoman. And no wonder: the firm provided evidence to support a seductive hope, that the green economy can help to revive the suffering rustbelt.

As the battle over a cap-and-trade bill continues in Congress, the industrial Midwest finds itself playing an awkward role. The climate bill offers two big opportunities, to reduce global warming and boost the green economy in the process. And nowhere are green jobs more loudly promoted than in the rustbelt. On August 5th Barack Obama and Joe Biden, his vice-president, travelled to Indiana and Michigan, two ailing swing states, to announce new grants to develop electric cars. But hopes for those new green jobs are matched by fears that traditional ones will be lost. With the Senate due to debate a cap-and-trade bill next month, the rustbelt and its politicians are at the heart of the battle.

The industrial Midwest has long been in need of a renaissance. Its factories have been losing jobs for decades, since long before the recession hit. Michigan, home to America's biggest carmakers, had a 15.2% unemployment rate in June, compared with a national average of 9.5%.

Green investment presents new hope. The University of Massachusetts, Amherst, and the Centre for American Progress, a think-tank, estimated in June that the federal stimulus package and a climate bill would spur about $150 billion in spending on clean energy each year for the next decade. That spending, in turn, would create an estimated 2.5m jobs, from academic researchers to factory workers making wind turbines. ''This is an opportunity for American ingenuity to renew the manufacturing base,'' argues Phyllis Cuttino of the Environment Group at the Pew Charitable Trusts.

There are already signs of activity. The Great Lakes Wind Network, based in Ohio, helps local firms sell goods to the wind business. Toledo remains one of the best examples of a town moving from the old economy

to a newer one. It has been a hub for the glass manufacturing since the 19th century. Thanks to innovations in solar technology at the University of Toledo, it is now home to a cluster of firms such as Xunlight. State grants continue to help the university hatch companies. The Regional Growth Partnership, a local business group, provides venture capital.

In Michigan despair has bred particularly bold action. In the past five years Jennifer Granholm, the Democratic governor, has dangled more than $1 billion to attract alternative-energy firms, with about $700m in tax credits to develop electric-car batteries. Impressively, Michigan had the third-highest number of clean-tech patents from 1999 to 2008, behind only California and New York, reckons Pew. That number may rise. Last year Michigan passed a requirement for power companies to boost efficiency, along with an order that renewable sources account for 10% of the state's electricity by 2015. Investments from the federal stimulus will help too. In the share-out on August 5th, Michigan won more grants for electric cars than any other state.

Nevertheless, the clean-energy economy remains small. Though green jobs are increasing in number, they accounted for only 0.6% of jobs in Ohio in 2007, according to Pew. The shares in Michigan and Indiana were even smaller, at 0.4% and 0.5% respectively. Manufacturing, for all its troubles, is a behemoth in comparison, accounting for 14% of employment in Ohio, 15% in Michigan and 18% in Indiana in 2007. And it is a dirty giant, dependent on cheap coal. The Midwest emits an outsize share of carbon, according to a report from the Chicago Council on Global Affairs. Indiana is one of the worst offenders, spewing out 4% of America's carbon emissions in 2007 though it is home to only 2% of its population.

The fear is that a cap-and-trade bill may expand a promising new sector but devastate a struggling, larger one. Mitch Daniels, the Republican governor of Indiana, has worked hard to maintain his state's manufacturing base. A price on carbon, he argues, would threaten it.

The version of cap-and-trade passed in June by the House was meant to appease such critics. It includes help for manufacturers eager to retool for new industries. Allowances would be given away, not auctioned. And at the urging of a congressman from Michigan, the bill would, from 2020, tax imports from countries that do not restrict emissions. But some Democrats are still wary. Three of Indiana's five House Democrats voted against the bill.

Now a tough battle looms in the Senate. A new report from the Energy Information Administration (EIA) forecasts that the House bill would depress industrial shipments by 1% between 2012 and 2030 (see chart). But that assumes a quick expansion of nuclear plants, which is unlikely. In the EIA's worst-case scenario, shipments would drop 3.2%. ''They're huxtering,'' huffs George Voinovich, Ohio's Republican senator, of the green enthusiasts. He wants more support for nuclear power and fears the House bill will transfer wealth from the heartland. On August 6th, ten of Mr Voinovich's Democratic colleagues, including six from the Midwest, wrote to Mr Obama fretting that a bill would cripple manufacturing industry.

But in Toledo Xunlight's president, Xunming Deng, looks forward to a cap-and-trade bill. ''Of course there is a cost, but this is an investment for our economy, for our future,'' he says. There remains a danger, however, that compromise will produce a clunker of a bill—one that does little to slow climate change, little to revive the old economy and little to boost a new one. Much now depends on a handful of the states in the heartland.

Mr. HALL of Texas. Mr. Chairman, although I am not opposed to the amendment, I do have some concerns about this amendment.

While I agree with its intent to help commercialize the technologies that come around as a result of solar technology research, I am concerned that we may not want to spend research dollars retooling and refurbishing manufacturing facilities, some of which may be represented on the Solar Roadmap Committee. That's my problem with it.

□ 1330

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GORDON of Tennessee. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Ohio will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. MARSHALL

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111–304.

Mr. MARSHALL. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MARSHALL:

Page 14, line 15, strike ''and''.

Page 15, line 15, strike the period and insert ''; and''.

Page 15, after line 15, insert the following new paragraph:

(4) evaluate the potential to establish large photovoltaic facilities that produce at least 100 gigawatts, including an evaluation of the electrical grid, current, voltage, and energy storage requirements associated with large photovoltaic facilities.

The Acting CHAIR. Pursuant to House Resolution 846, the gentleman from Georgia (Mr. MARSHALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. MARSHALL. Mr. Chairman, the bill includes authorization for $300 million to the Energy Department for programs that will establish demonstration grants for solar technology projects. What my amendment does is include a requirement that the Department use some of this money to evaluate the potential benefits of very large solar projects.

The amendment is prompted by a January 2008 article that appeared in Scientific American, part of their Big Ideas series. Folks out there who want to read the article, I think you could probably just Google ''Solar Grand Plan,'' Scientific American, January 2008, and you would see an excellent discussion by three scientists of the possibility that we could create in the Southwest a 3,000-gigawatt facility that delivers solar power to the Nation. It would produce enough solar power by 2050, according to these scientists, to meet 69 percent of our electricity needs and 35 percent of our overall energy needs.

The idea is that some 30,000 acres, or square miles, I am not sure which, but a large hunk of land in the Southwest would be covered by solar facilities. The energy would be collected during the day, distributed nationwide on an improved grid, a lot of that grid would probably be direct current, stored during the day underground in high pressure underground caverns, with the pressure released overnight in order to provide the power overnight.

One of the beauties of the suggestion is that it feeds back into the existing distribution facilities that we have, so we would not have to change, if we were using DC transmission, to DC power, but instead would continue using AC power in our existing facilities.

I don't know whether something like this will work, but if these scientists are right, the costs seem quite reasonable for the reward that we would realize. The energy is completely clean, it essentially frees us from dependence upon foreign sources of energy, and consequently meets both the security need and environmental need at the exact same time.

Big ideas like this require study and evaluation before they are put together in some sort of implementation project, and consequently we only contemplate in the amendment that there will be an evaluation of this kind of concept as opposed to actual demonstration projects.

The $300 million that has been given to the Energy Department for these demonstration projects, no doubt they are going to be smaller projects, much smaller projects, than something as large as this. What we contemplate is that there be an evaluation of whether or not a 100-gigawatt solar facility makes sense and should be supported somehow by the Federal Government.

The authors of this Scientific American article printed in January of 2008 estimated that the Federal investment to accomplish what in essence would free us altogether from foreign sources of energy, the estimate of the Federal investment over a 20-year period of time, would be $450 billion. Spread over a 20-year period of time, a $450 billion investment that would actually give us energy independence and an awful lot of clean energy seems to me to be something that we ought to be evaluating, and that is why I suggested the amendment.

With that, I request the adoption of my amendment.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the

amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. Mr. Chairman, this amendment would require the Secretary to evaluate the potential to establish large solar facilities and evaluate the electrical grid, current, voltage, and energy storage requirements associated with large solar facilities, which I think this is a good time for.

We have no objection to this.

I yield back the balance of my time.

Mr. MARSHALL. Mr. Chairman, I thank the gentleman from Texas. It could well be that some of these facilities wind up in your State. I have spent a fair amount of time in your great State, and I have observed many of the times that I have been there that you have a lot of land available that could be put to good use for this kind of purpose.

Another thing in this article that these scientists point out is that once a solar facility like this is created, it requires a lot less continuing maintenance and care, unlike a lot of our other facilities that create power, and consequently it is just a win-win, and perhaps it will wind up being a win-win for Texas.

I yield whatever time I have left to the chairman.

Mr. GORDON of Tennessee. Thank you, Mr. MARSHALL. I want to let you know that the author of the study that you put forth testified before our committee. It was made part of the record. And you are absolutely right, the sun doesn't shine 24 hours a day, so we need to also find ways to be able to have the storage. I think it is a two-fer with this proposal, and we gladly accept your amendment.

The Acting CHAIR. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Georgia (Mr. MARSHALL).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. KLEIN OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111–304.

Mr. KLEIN of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. KLEIN of Florida:

Page 5, line 9, strike ''and''.

Page 5, line 10, redesignate paragraph (7) as paragraph (8).

Page 5, after line 9, insert the following new paragraph:

(7) development of storage technologies that can be used to increase the usefulness and value of solar technologies; and

The Acting CHAIR. Pursuant to House Resolution 846, the gentleman from Florida (Mr. KLEIN) and a Member opposed each will control 5 minutes.

The gentleman from Florida is recognized.

Mr. KLEIN of Florida. Mr. Chairman, I would like to start by thanking Congresswoman GIFFORDS for introducing the Solar Technology Roadmap Act and Chairman GORDON for his leadership on bringing this important bill to the floor.

As a cosponsor of this legislation, I believe it makes a timely investment in clean energy technology that will stimulate economic growth and create jobs nationwide. My amendment would clarify that research activities on the development of solar energy storage technologies are eligible for funding in this bill.

Solar energy technology has significant potential to supply cheap, clean and renewable energy to American families and businesses. However, one of the major challenges with solar energy is that it can only be produced during daylight hours. That is obvious. Thus, it is only available at certain times, which may not necessarily correspond to the times it is most needed by the electric grid, when electricity is the most expensive, during peak hours, and the least efficient fuels are likely to be used.

To use a metaphor, the distribution of solar electricity to date is like trying to distribute water from rain without having reservoirs to catch and hold the water.

In my home State of Florida, we are known as the Sunshine State, and for good reason. Businesses in Florida have invested over $1 billion in solar technology over the past 3 years, building the largest photovoltaic solar plant in North America and installing more solar power than almost every other State in the country. But without cost-effective storage technology, we cannot build upon this investment, not only in Florida but throughout the country, to eventually rely more heavily on solar power for our States' and our country's energy needs.

There are emerging storage technologies, including batteries, thermal storage and others, that can take solar energy when it is produced, store it, and then provide electricity to the grid at opportune times. These technologies have the power to make solar power more reliable, more cost-efficient, and more widely used as an alternative to fossil fuels for our energy needs. They also have the potential to create thousands of new jobs right here in the United States as we develop technologies, manufacture products, and sell them all over the world.

Storage technology may also have a substantial impact on the way we purchase energy to power our homes and businesses, regardless of the energy source. With more advanced and more affordable storage technology, we may one day be able to purchase energy from utility companies during off-peak hours, when energy costs are low, and store the energy for when we need it. This would allow utility companies to run more efficiently by reducing demand during peak hours and utilize their plants in the middle of the night when demand is low, thus helping businesses and consumers purchase the energy at the lowest energy cost.

The development of solar energy technology will be critical to establishing solar power as a primary source of electricity in the United States and significantly altering the future of our energy infrastructure. Alternative renewable sources of energy, like solar, that can be generated right here in the United States will make household and business energy bills cheaper, improve our environment, and reduce our dependence on foreign oil, if we develop the technology to make it more efficient and cost-effective.

This amendment will emphasize the importance of devoting Federal research dollars in this bill to further advancing storage technology that will propel storage technology to the next level.

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

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. Mr. Chairman, this amendment would simply include research on solar energy storage technology as eligible for funding under the research and development program established in the bill.

I have no objection to this amendment.

I yield back my time.

Mr. KLEIN of Florida. Mr. Chairman, again, I would just yield myself such time as I may consume for purposes of closing.

The legislation under consideration today, as I said, presents an incredibly exciting opportunity for Florida and all the States in our Union to propel this technology forward and one day establish our country as a global leader in clean, renewable energy technology relating to solar power. I am confident that the Solar Technology Roadmap Act will substantially advance solar technology in the United States, reduce its cost, and help America transition to a clean energy economy.

I urge adoption.

I yield the balance of my time to the gentleman from Tennessee.

Mr. GORDON of Tennessee. As my friend knows, even in Florida the sun doesn't shine 24 hours a day, so to make the most use of solar technology, storage is very important. I think there will be a combination there. That storage benefit, the technology, will also be used for wind power and other types of renewables.

So I think you have an excellent amendment. It makes a good bill even better, and I appreciate your addition to this bill.

Mr. KLEIN of Florida. I thank the chairman, and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. KLEIN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. KLEIN of Florida. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 8 OFFERED BY MS. TITUS

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111–304.

Ms. TITUS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. TITUS:

Page 5, line 9, strike ''and''.

Page 5, line 10, redesignate paragraph (7) as paragraph (8).

Page 5, after line 9, insert the following new paragraph:

(7) development of solar technology products that are water efficient; and

Page 8, line 21, strike ''and''.

Page 8, line 22, redesignate subparagraph (H) as subparagraph (I).

Page 8, after line 21, insert the following new subparagraph:

(H) the development of solar technology products that are water efficient; and

The Acting CHAIR. Pursuant to the rule, the gentlewoman from Nevada (Ms. TITUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Nevada.

Ms. TITUS. Mr. Chairman, I thank Chairman GORDON and Ms. GIFFORDS for your leadership on the important issue of energy research, development and deployment in the area of renewables.

My amendment, offered with Mr. TEAGUE of New Mexico and Mr. COHEN of Tennessee, simply requires that the solar energy research, development and demonstration program and the solar technology road map that are authorized in this bill include an emphasis on the development of solar technology that is water-efficient.

We know that some of the sunniest States in the country, like my State of Nevada, are also among the driest. So while I strongly believe we must make significant investments to expand solar energy development across the Southwest, I also believe that we must ensure that investments are made in research and development of new solar technologies that use less water.

This point was brought out rather dramatically in a recent New York Times article entitled ''Alternative Energy Projects Stumble on a Need for Water.'' In fact, depending on the technology, some solar plants can use more than 1 billion gallons of water a year for cooling.

It was quoted in the article, ''When push comes to shove, water could become the real throttle on renewable energy.'' This was a statement made by Michael E. Webber, an assistant professor at the University of Texas in Austin, who studies the relationship between energy and water.

□ 1345

Now, to date, this conflict between energy and water has occurred mostly in the Southwest, where there are dozens of multibillion dollar solar power plants that are planned for thousands of acres in the desert.

While most forms of energy production include some kind of water, water's availability is especially limited in the sunny areas that are otherwise well suited for solar farms. So as we can see, this could possibly lead to a new-age version of a western water war. Long have we heard the saying in the West that whiskey is for drinking and water is worth fighting over. We don't want to see that happen again.

And furthermore, as we see more solar development spread across the country, it's likely that the water efficiency of solar technology will become a key concern, not just in the Southwest, but in areas that haven't historically dealt with water issues up until this point. Investing in research that, as we develop solar technologies, are water efficient is a win-win for the environment. We will use less fossil fuel and less water.

At the same time we do this, we have the potential to remove a major obstacle to the speedy siting of utility scale renewable energy projects. Those are occurring in States like mine where water concerns can slow the permitting process dramatically.

Investments in the development of solar technology products that are water efficient will save water, they will save energy, and they will ultimately bring down the cost of these products so that we can move more quickly to a clean energy economy.

So I thank you again, Mr. Chairman, and I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. Mr. Chairman, I have no objection to this amendment. It's a good amendment, as solar energy can be a large user of water, and we're looking at ways to reduce the use of water in all forms of energy production. I think it's a very good amendment.

I yield back the balance of my time.

Ms. TITUS. Mr. Chairman, as Daniel Kammen, who is the Director of the Renewable and Appropriate Energy Lab at the University of California at Berkeley, stated, ''As intensive renewable energy development spreads, water issues will follow.'' That's why I believe this amendment is an important addition.

I want to thank Mr. TEAGUE and Mr. COHEN for helping me with the amendment.

At this time, I will yield to the chairman, Mr. GORDON.

Mr. GORDON of Tennessee. I thank the gentlelady from Nevada.

Certainly, as we have had various hearings in the Science and Technology Committee, we've determined very easily that there is a nexus between water and energy. In most cases, it takes water to make energy and it takes energy to move water, and certainly in the area of large plants with solar thermal, there is a lot of use of water in that regard. To make those plants more efficient will help us to conserve water and help us with that nexus.

And again, I thank the gentlelady for this good amendment to this good bill.

Ms. TITUS. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Nevada (Ms. TITUS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. TITUS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Nevada will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. HEINRICH

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111–304.

Mr. HEINRICH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. HEINRICH:

Page 9, line 18, redesignate subsection (c) as subsection (d).

Page 9, after line 17, insert the following new subsection:

(c) PUBLIC INPUT.—The Committee shall release a draft Roadmap to the public at least one month prior to publication in order to receive input from the public.

The Acting CHAIR. Pursuant to House Resolution 846, the gentleman from New Mexico (Mr. HEINRICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. HEINRICH. Mr. Chairman, I rise today as a proud cosponsor of the Solar Technology Roadmap Act of 2010, and I want to especially thank my colleague from Arizona (Ms. GIFFORDS) for introducing and championing this important legislation.

As a member of the Sustainable Energy and Environment Coalition, I'm particularly proud to support this coalition priority. My home State of New Mexico averages more than 300 days of

sunshine each year and is second in the Nation for solar energy potential, so I have a great appreciation for the positive impact that this bill will have.

In New Mexico, even in the midst of this difficult recession, we are adding jobs in the solar energy sector. Many New Mexicans, myself included, power their homes using solar energy, and Sandia National Labs is a world leader in developing new solar technologies, such as Stirling engines and multijunction solar cells.

The amendment I'm offering today would require the act's solar technology road map committee to release a draft road map at least 1 month prior to publication in order to ensure that the public has the opportunity to provide their input. Our government works best when the American public is included in the decisionmaking process. This amendment will ensure that the road map reflects the wisdom and experiences of individuals and businesses that already work in this quickly growing industry.

In order for our country to reach its potential in growing the clean energy economy, the Federal Government must invest wisely in research and development. Incorporating public comments will ensure that the solar road map is an efficient, effective blueprint for meeting our full potential in utilizing solar energy.

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

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. Mr. Chairman, in light of the exemption from the Federal Advisory Committee Act in this bill for the road map committee, I think it's a good idea to make the draft road map available to the public for input. This will help shed additional light on the decisions of the road map committee. I would support the amendment.

I reserve the balance of my time.

Mr. HEINRICH. I would urge my colleagues' support.

I once again want to thank Chairman GORDON and Representative GIFFORDS for their leadership on this very important issue.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HEINRICH. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. HEINRICH).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HEINRICH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. HIMES

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111–304.

Mr. HIMES. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. HIMES:

Page 4, line 24, insert '', including both solar thermal and concentrating solar photovoltaic technologies'' after ''solar power''.

The Acting CHAIR. Pursuant to House Resolution 846, the gentleman from Connecticut (Mr. HIMES) and a Member opposed each will control 5 minutes.

The gentleman from Connecticut is recognized.

Mr. HIMES. Mr. Chair, I yield myself such time as I may consume.

I'd like to begin by thanking Chairman GORDON for his excellent work on this very, very important bill guiding us towards where this country needs to be in energy in the coming years and generations.

I rise today to offer an amendment which I think is about a topic at the forefront of everybody's minds right now, which is jobs, jobs, and jobs. This bill is about the creation of good, high-paying jobs for American workers and, in the process, restoring our competitiveness in one of the most important industries of the next century.

Mr. Chair, every new solar panel system we install in this country creates new business for roofers, for electricians, for engineers, and for construction workers. But I'm most excited about what solar power can do for America's manufacturing.

I refuse to believe that America's days as a world leader in manufacturing are over. An industry report by Duke University found that by 2016, only 7 years from now, solar manufacturing could replace 500,000 jobs that have been lost, say, in the auto industry; 500,000 jobs, the manufacturing sector of the 21st century, if we make the right investments now.

Back when very few of us were talking about solar power, the U.S. was quietly leading the world in the production of solar technology. Well, through the 1990s, no country on Earth invested more in solar than we did. So how is it that here in 2009, only 5 percent, 5 percent of the world's solar panels are made in America? There's a one-word answer to that question, and that word is ''investment.''

Look at China. Through their Golden Sun program, the Chinese Ministries of Finance, Science and Technology and the National Energy Administration are subsidizing half of the construction and connection costs for on-grid solar power plants and 70 percent of the cost of off-grid installations from now until 2011. And American companies are following these investments.

First Solar, of Tempe, Arizona, recently signed an agreement to build a 2-gigawatt plant, 2 gigawatts, one of the largest solar plants in the world, in Ordos City in Inner Mongolia. Now, I have nothing against Mongolia, but I, for one, would prefer to see those jobs in Bridgeport or Stamford or any of the other American cities that saw their manufacturing sectors decimated in the last 50 years.

I'm especially excited about this bill because solar power is creating jobs right now in my district. Opel, Inc., of Shelton, Connecticut, is making and installing some of the most advanced solar technology anywhere on the market, and technology that is the subject of my amendment today.

Concentrated photovoltaic or CPV systems employ lenses and tracking systems to focus sunlight into a small beam concentrated on a photovoltaic surface. This relatively new technology is already showing dramatic potential. In May 2008, IBM demonstrated a prototype CPV using computer chip cooling techniques to improve an energy density of 2,300 suns.

As we accelerate our efforts to raise the efficiency and lower the cost of solar power, it is worth pointing out that CPV systems provide greater power production—20 to 40 percent more kilowatt hours—with lower costs and less land usage than any solar technology science has yet produced.

CPV technologies are an ideal source of scalable, utility-grade solar electric power production that will move solar energy faster toward grid parity costs. My amendment merely clarifies that these leading-edge technologies will be included among those funded as part of the solar road map.

The global race to a clean energy economy is on, Mr. Chair, and millions of new jobs are on the line. We may have fallen behind a bit, but this is our chance to catch up.

I thank Mr. GORDON for his committee's excellent work, urge my colleagues to support this amendment, and reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HALL. Mr. Chairman, this amendment would simply clarify that solar thermal technologies and concentrating solar technologies will be included within the scope of the research and development program authorized by the bill. I have no objection to it.

I yield back the balance of my time.

Mr. HIMES. I would like to thank the gentleman from Texas (Mr. HALL) for his support.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Connecticut (Mr. HIMES).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HIMES. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Connecticut will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. MURPHY OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111–304.

Mr. MURPHY of New York. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. MURPHY of New York:

Page 13, lines 10 and 16, redesignate subsections (d) and (e) as subsections (e) and (f), respectively.

Page 13, after line 9, insert the following new subsection:

(d) REPORTING.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Committee shall submit a report to the Secretary and the Congress on its activities over the prior 12-month period.

The Acting CHAIR. Pursuant to House Resolution 846, the gentleman from New York (Mr. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. MURPHY of New York. Mr. Chairman, I yield myself as much time as I may consume.

I rise today to offer a simple amendment that would require the solar technology road map committee to submit an annual report to the Secretary of Energy and to this Congress on its activities over the prior 12-month period.

For far too long, our Nation has operated without a comprehensive energy strategy. As a result, we spent $475 billion importing foreign oil last year. That's more than our entire trade deficit. This is a crisis that we must address, and our working families and small businesses feel that every day as they see rising energy costs. And while I believe a successful energy strategy will require investments in a broad range of domestic energy sources—wind, solar, hydro, and nuclear—today's legislation is a critical step in the development of a strategy to more effectively develop and utilize solar technology and to move our Nation closer to energy independence.

□ 1400

I applaud Congresswoman GIFFORDS, Chairman GORDON, Ranking Member HALL for their hard work on this important issue.

Today's legislation creates a solar technology road map committee that will be charged with creating a road map to present the best estimate of the near-term, mid-term, and long-term research and development needs in the solar technology world, as well as provide guidance for solar technology research, development, and demonstration activities supported by our regular Federal Government.

This is a critical path for us, and it's one we've been working on in New York with our own efforts for many years, and one that I'm familiar with. Our efforts at NYSERDA in New York really helped a lot of small businesses in the solar community and in other energy technologies, businesses that I worked with when I was an investor helping those small businesses grow. And as we heard Congressman HIMES say a minute ago, this is the future of manufacturing in America, and this road map will be a critical element to moving us in the right direction.

Specifically, this bill requires that 30 percent of the DOE solar research and demonstration funding is awarded based on the recommendations of the committee in 2012, and that will rise to 75 percent in 2015.

My amendment simply requires that the committee report back their activities to the Department of Energy and to this Congress so that we can better evaluate the growing potential of solar technology and how we're doing in terms of implementing that road map. I think that that kind of accountability is exactly what's been missing from our Federal Government for far too long, and this is the kind of information that we need as a Congress to hold people accountable for the spending of the Federal dollars that we're going to put there.

We're making important investment decisions, but we also need to hold everyone who is involved accountable for making sure that those decisions are moving us forward on the road map and are aimed in the right direction. This strategy will help us do that. My report will allow us to hold everyone who is involved accountable for doing it and being successful. That's critical to the American taxpayers whose money is being invested here.

With that, I would like to say thanks again to Chairman GORDON for his hard work and to Ranking Member HALL.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. Mr. Chairman, the amendment by this young man from New York would require the solar technology road map committee to submit an annual report to the Secretary of Energy and to the Congress of its activities over the prior 12-month period. I think he has a good amendment. I think this is a good-government amendment, and I support it.

I reserve the balance of my time.

Mr. MURPHY of New York. I appreciate the support from Ranking Member HALL.

I would just close by saying it is incredibly important that we watch every taxpayer dollar in these tough times. And we're making important investments here. They're going to have an economic impact; they're going to create jobs in our communities. But we need to be responsible. This report will lead to that kind of accountability and responsibility.

I yield back the balance of my time.

Mr. HALL of Texas. Mr. Chairman, in closing, I would like to make it perfectly clear that I support the use of solar energy and would like to see it become a larger player in supplying the energy needs of our country and of the world. I also want to make it perfectly clear I support further research and development to help solar energy achieve this goal.

I also respect the author, Ms. GIFFORDS, to the extent that I was the lone Republican to attend her field hearing in Arizona.

However, I still have some reservations about certain provisions of the bill, mainly in the cost and some of the restrictions that it places on the Department of Energy and the Secretary. For those who choose to vote against the bill, such a vote is not a vote against R&D into solar technologies. It's simply a vote against the way this bill wants to dictate how solar R&D should be done at the DOE.

With that said, I do plan to vote for the bill because I am so convinced of the value of even the slightest additional breakthrough solar energy-wise, and my observations of the very sincere and determined effort by the bill's author cause me to want to remain involved and hopefully continue to work with my colleagues to address our concern as the bill continues through the legislative process.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. MURPHY).

The amendment was agreed to.

Mr. GORDON of Tennessee. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MURPHY of New York) having assumed the chair, Mr. WEINER, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3585) to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes, had come to no resolution thereon.

RECESS

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

Accordingly (at 2 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BACA) at 3 p.m.

SOLAR TECHNOLOGY ROADMAP ACT

The SPEAKER pro tempore. Pursuant to House Resolution 846 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3585.

□ 1501

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3585) to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes, with Mr. SERRANO (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 11 offered by the gentleman from New York (Mr. MURPHY) had been disposed of.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111–304 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. BROUN of Georgia.

Amendment No. 5 by Ms. KAPTUR of Ohio.

Amendment No. 7 by Mr. KLEIN of Florida.

Amendment No. 8 by Ms. TITUS of Nevada.

Amendment No. 9 by Mr. HEINRICH of New Mexico.

Amendment No. 10 by Mr. HIMES of Connecticut.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. BROUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 256, not voting 20, as follows:

[Roll No. 801]

AYES—162

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Calvert
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Coble
Cole
Conaway
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Fattah
Flake
Fleming
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy (NY)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOES—256

Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Burgess
Butterfield
Camp
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—20

Abercrombie
Barrett (SC)
Bean
Buyer
Cardoza
Coffman (CO)
Davis (AL)
Doyle
Engel
Faleomavaega
Forbes
Gohmert
Hinojosa
Lofgren, Zoe
Payne
Price (GA)
Richardson
Walden
Wamp
Young (AK)

□ 1528

Messrs. RANGEL, PATRICK J. MURPHY of Pennsylvania, PERRIELLO, DONNELLY of Indiana, BRALEY of Iowa, ADLER of New Jersey, CARSON of Indiana, PLATTS, SESTAK, Ms. SPEIER, Ms. MATSUI, Ms. CASTOR of Florida, Ms. TITUS and Ms. MOORE of Wisconsin changed their vote from ''aye'' to ''no.''

Messrs. OLSON and STEARNS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. COFFMAN of Colorado. Mr. Chair, on rollcall No. 801. I was unavoidably detained. Had I been present, I would have voted ''aye.''

Mr. PRICE of Georgia. Mr. Chair, on rollcall No. 801. I was unexpectedly delayed due to constituent business. Had I been present, I would have voted ''aye.''

AMENDMENT NO. 5 OFFERED BY MS. KAPTUR

The Acting CHAIR. The unfinished business is the demand for a recorded

vote on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 395, noes 24, not voting 19, as follows:

[Roll No. 802]

AYES—395

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—24

Barton (TX)
Bishop (UT)
Blunt
Broun (GA)
Burgess
Coble
Flake
Franks (AZ)
Garrett (NJ)
Hensarling
Johnson, Sam
Lewis (CA)
McClintock
Miller (FL)
Paul
Petri
Poe (TX)
Price (GA)
Reichert
Rooney
Sensenbrenner
Shadegg
Westmoreland
Wilson (SC)

NOT VOTING—19

Abercrombie
Barrett (SC)
Bean
Berry
Buyer
Cantor
Cardoza
Davis (AL)
Dreier
Faleomavaega
Forbes
Gohmert
Hinojosa
Lofgren, Zoe
Pierluisi
Richardson
Walden
Wamp
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1534

Ms. BORDALLO changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. KLEIN OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. KLEIN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 414, noes 5, not voting 19, as follows:

[Roll No. 803]

AYES—414

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)

Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—5

Broun (GA)
Flake
Franks (AZ)
McClintock
Paul

NOT VOTING—19

Abercrombie
Barrett (SC)
Bean
Braley (IA)
Buyer
Cardoza
Davis (AL)
Dreier
Faleomavaega
Forbes
Gohmert
Hinojosa
Lofgren, Zoe
Richardson
Towns
Walden
Wamp
Waters
Young (AK)

□ 1542

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MS. TITUS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Nevada (Ms. TITUS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 407, noes 9, not voting 22, as follows:

[Roll No. 804]

AYES—407

Aderholt
Adler (NJ)
Akin
Alexander
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—9

Altmire
Broun (GA)
Flake
Franks (AZ)
McClintock
Paul
Petri
Sensenbrenner
Westmoreland

NOT VOTING—22

Abercrombie
Ackerman
Barrett (SC)
Bean
Becerra
Buyer
Cardoza
Davis (AL)
Dreier
Edwards (TX)
Ellison
Faleomavaega
Forbes
Gohmert
Hinojosa
Lofgren, Zoe
Richardson
Rodriguez
Sullivan
Walden
Wamp
Young (AK)

The Acting CHAIR. There are 2 minutes remaining on this vote.

□ 1549

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. HEINRICH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. HEINRICH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 420, noes 0, not voting 18, as follows:

[Roll No. 805]

AYES—420

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NOT VOTING—18

Abercrombie
Barrett (SC)
Bean
Buyer
Cardoza
Davis (AL)
Dreier
Faleomavaega
Forbes
Gohmert
Gordon (TN)
Hinojosa
Lofgren, Zoe
Richardson
Walden
Wamp
Woolsey
Young (AK)

□ 1555

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. HIMES

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. HIMES) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 410, noes 6, not voting 22, as follows:

[Roll No. 806]

AYES—410

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson

Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—6

Broun (GA)
Flake
Franks (AZ)
McClintock
Paul
Sensenbrenner

NOT VOTING—22

Abercrombie
Barrett (SC)
Bean
Buyer
Cardoza
Davis (AL)
Davis (CA)
Dreier
Faleomavaega
Forbes
Gohmert
Hinojosa
Inslee
Lofgren, Zoe
Murphy (CT)
Richardson
Rothman (NJ)
Walden
Wamp
Waters
Waxman
Young (AK)

□ 1602

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. JACKSON of Illinois) having assumed the chair, Mr. SERRANO, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3585) to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes, pursuant to House Resolution 846, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WESTMORELAND. 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, this 15-minute vote on passage of H.R. 3585 will be followed by a 5-minute vote on suspending the rules and agreeing to H. Res. 175.

The vote was taken by electronic device, and there were—yeas 310, nays 106, not voting 16, as follows:

[Roll No. 807]

YEAS—310

Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bono Mack
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Butterfield
Calvert
Camp
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—106

Akin
Alexander
Austria
Bachmann
Bachus
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Campbell
Cantor
Carter
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Culberson
Davis (KY)
Deal (GA)
Duncan
Emerson
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Goodlatte
Granger
Graves
Guthrie
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
Linder
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Petri
Pitts
Poe (TX)
Price (GA)
Radanovich
Rehberg
Rogers (KY)
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Souder
Stearns
Sullivan
Thornberry
Tiahrt
Westmoreland
Wilson (SC)

NOT VOTING—16

Abercrombie
Barrett (SC)
Bean
Buyer
Cardoza
Davis (AL)
Dreier
Forbes
Gohmert
Hinojosa
Inslee
Lofgren, Zoe
Richardson
Walden
Wamp
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1620

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TRIBUTE TO CHUCK ATKINS OF THE SCIENCE AND TECHNOLOGY COMMITTEE

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

Mr. GORDON of Tennessee. Mr. Speaker, I rise to sadly announce a retirement. No, it's not mine; it's much worse. The chief of staff of the Science and Technology Committee, Chuck Atkins, is going to be retiring at the end of this year.

As all of us know, if we are going to run our business well and be successful, we have to have good friends that will give us advice. We have got to have an outstanding staff that will help us execute our work. Chuck has been both of those for me.

Chuck has served his country with distinction in a number of ways. From the jungles of Vietnam as a decorated marine, including a Purple Heart, to the Halls of Congress, Chuck has been a patriot.

He first came to Washington in 1993 with our former colleague Scotty Baesler, from Kentucky. Then in 1998, Chuck took on the chore of being the chief of staff for my personal office. Later, when I became ranking member of the Science and Technology Committee, Chuck took on those additional responsibilities as the staff director there.

In 2007, when I had the good fortune of you allowing me to serve you as the chairman of the Science and Technology Committee, Chuck then became the staff director for the committee. Quite frankly, he has been the key to our committee's success, skillfully putting together an outstanding staff, mentoring them, bringing them along to really perform to their maximum potential, and doing all of that, I am very pleased, in a bipartisan manner.

I will tell you one quick story there. When I first became elected, as you know, the majority staff has two-thirds to one-third, and so there was a big switch. Chuck went to the minority staff and said they could be the first ones to interview for our new expanded staff. After interviewing them, because he wanted to get the very best that he could, our first five hires were from the Republican staff. All the other Republican staff members who didn't have a job, he said they could stay and help us work until they could find another job.

I think because of that, over the last 2½ years, we have been so successful in being able to pass 82 bipartisan bills and resolutions. Twenty-seven of those have been signed into law and many more are in the pipeline to be signed.

Chuck, thank you for a job well done. I hope that Chuck's wife, Merry, is listening. If so, Merry, thank you for putting up with Chuck for those late nights, and thank you for, I am sure, having to put up with the frustration that he would bring home from having to work with me.

Mr. HALL of Texas. Would the gentleman yield?

Mr. GORDON of Tennessee. Certainly.

I yield to my friend and ranking member of the Science and Technology Committee, Mr. HALL.

Mr. HALL of Texas. BART, I agree with you. I certainly want to pay tribute to Chuck Atkins.

He has been a loyal servant of this House. He is respected on both sides of the House. It has been a pleasure to work with him. I can say that he is really a man of integrity who led his staff admirably.

Part of the reason the Science and Technology Committee has such a bipartisan committee is because of staffers like Chuck Atkins who dedicated themselves to serving a cause greater than he felt himself to be. He served us in war and peace as a Vietnam veteran. He has a long history of serving our Nation, so it should come as no surprise he chose to come to Washington to give his services here.

Chuck, you are going to be missed. I hope you have a good retirement from the House of Representatives. Thanks to you for all you have done for the greatest good for the greatest number.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

CONDEMNING PERSECUTION OF BAHA'IS IN IRAN

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 175, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 175, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 2, not voting 23, as follows:

[Roll No. 808]

YEAS—407

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter

Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—2

Kucinich
Paul

NOT VOTING—23

Abercrombie
Bachmann
Barrett (SC)
Bean
Boehner
Buyer
Cardoza
Davis (AL)
Dreier
Forbes
Gohmert
Herger
Hinojosa
Inslee
Linder
Lofgren, Zoe
Marshall
McMorris Rodgers
Richardson
Tsongas
Walden
Wamp
Young (AK)

□ 1633

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3619, COAST GUARD AUTHORIZATION ACT OF 2010

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 853 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 853

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3619) to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Homeland Security. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Transportation and Infrastructure or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

The SPEAKER pro tempore (Mr. CUELLAR). The gentlewoman from California is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. MATSUI. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD.

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

There was no objection.

Ms. MATSUI. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 853 provides a structured rule for consideration of H.R. 3619, the Coast Guard Authorization Act of 2010. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides 1 hour of general debate, with 40 minutes equally divided and controlled by the Chair and ranking minority member of the Transportation and Infrastructure Committee and 20 minutes equally divided and controlled by the Chair and ranking minority member of the Homeland Security Committee.

The rule provides that the amendment in the nature of a substitute recommended by the Transportation and Infrastructure Committee shall be considered as adopted and shall be considered as read.

The rule waives all points of order against the committee amendment. The rule makes in order the amendments printed in the Rules Committee report accompanying the resolution and waives all points of order against all amendments except those arising under clause 9 or 10 of rule XXI.

The rule makes in order 13 amendments, including all six of the Republican amendments that were submitted for consideration. In the case of sundry amendments reported by the committee, the question of their adoption shall be put to the house en gros and without division of the question. The Chair may not entertain a motion to rise unless offered by the Chair of the Committee on Transportation or his designee and may not entertain a motion to strike the enacting clause.

I want to thank both Chairman OBERSTAR and Chairman THOMPSON for the good work their committees have done on this bill. Thanks to these two committees, we are here today to strengthen the Coast Guard's ability to implement its responsibilities. It is critical that the Coast Guard has the necessary funds, resources, and personnel to carry out the missions we need it to conduct.

H.R. 3619 increases the authorized end strength for military personnel in the Coast Guard by 1,500 to a total of 47,000 personnel. It will also permanently increase to 6,700 the allowable number of officers in the service.

The legislation also establishes marine safety as a core mission of the Coast Guard. It responds directly to the many shortcomings in Coast Guard acquisition efforts that the committee has examined over the last several years. For example, it prohibits the Coast Guard's use of a private sector lead system integrator, requires the Coast Guard to develop life-cycle cost estimates and prohibits contractor self-certification.

The Coast Guard Authorization Act of 2010 will strengthen our Nation's Coast Guard by making important investments and key changes now, the benefits of which we will see for years to come.

This bill also includes legislation that I offered earlier this year, and I want to thank Chairman OBERSTAR and Chairman CUMMINGS for including this important language in this bill. There is an urgent need for the reforms I've outlined in the Cruise Vessel Safety and Security Act. For far too long, American families have unknowingly been at risk.

Currently, cruise ships operate under foreign flags of convenience and are not required under U.S. law to report crimes occurring outside of our territorial waters. Leaving our territorial waters does not mean that cruise ships should be allowed to operate without basic laws that protect American citizens.

My legislation requires that all crimes that occur aboard cruise ships be reported to the Coast Guard and to the FBI. Without proper screening processes and accountability, these

reprehensible and violent acts will be allowed to continue.

Under the status quo, criminals are left unpunished, and victims are left to fend for themselves. Unclear lines of jurisdiction are no longer an excuse for risking the safety of the millions of Americans who board cruise ships each year.

I first became aware of the need for increased protections for Americans when one of my constituents, Laurie Dishman, wrote to me for help in April of 2006. Laurie was the victim of a sexual assault while on a cruise vacation. She was given no assistance by the cruise line in properly securing evidence of the assault; no assistance in identifying her attacker, who was an employee of the cruise ship; and no assistance in prosecuting the crime once back on shore. Devastated, Laurie reached out to me.

I immediately called for hearings on this issue and began to work on the legislation that is now a part of this Coast Guard authorization bill. The congressional hearings, chaired by Chairman CUMMINGS, made apparent the gross inadequacies of current cruise safety provisions. Because of these hearings, it was discovered there has not been a single conviction of an accused rape on a cruise ship in recent history.

With ongoing news coverage of recent rapes on cruise ships, it is clear that legislation is both urgent and necessary. Many of my colleagues have come to me with similar stories of constituents who have gone missing, been sexually attacked, or gone days, weeks or years without getting resolution. My legislation establishes stringent new standards to ensure the safety and security of passengers on cruise vessels.

Its reforms include requiring that vessel personnel be able to preserve evidence of crimes committed on the vessels and provide appropriate medical treatment to the victims of sexual assaults. Security, safety and accountability must all be strengthened to hold criminals accountable and end the cycle of serious crimes on cruise ships.

As this crucial legislation moves forward, it serves as proof to the victims of cruise crimes that progress is being made towards ensuring the safety of all Americans abroad. Laurie Dishman is here today to witness her cause move forward, and I want to thank her for her extraordinary courage and leadership.

This has been a long, difficult road for all cruise victims and their families. These reforms are truly commonsense and are even supported now by the Cruise Line Industry Association. That is why this measure is a victory in the fight for cruise passenger rights.

In much the same way, the Coast Guard Authorization Act is a major victory for people across our country who depend on the Coast Guard to keep their families safe.

□ 1645

Passage of the Coast Guard Authorization Act of 2010 will allow many important reforms to be enacted and will help protect Americans across the Nation.

Coast Guard authorization is long overdue. I urge my colleagues to vote in support of this rule and the underlying legislation.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend the gentlewoman from California (Ms. MATSUI) for the time, and I yield myself such time as I may consume.

Always Ready. That's the motto of the United States Coast Guard. Since its establishment in 1790 by Alexander Hamilton, the Coast Guard is the only branch in our military that is always deployed.

As part of the Department of Homeland Security, the Coast Guard is tasked with maritime law enforcement, search and rescue for those in peril at sea, patrolling and protecting our ports, harbors and sea borders, marine environmental protection, helping manage offshore spills, facilitating maritime navigation and commerce, and so much more. In times of war, the Coast Guard also deploys with other service branches overseas.

The underlying legislation, the Coast Guard Authorization Act of 2010, being brought to the floor today authorizes approximately $10 billion for the Coast Guard for fiscal year 2010. It increases the authorized end-strength by 1,500 members to a total of 47,000 personnel. The legislation also authorizes additional Coast Guard maritime security response teams to assist in detecting explosives and drug interdiction.

The Coast Guard is currently undergoing the largest single acquisition program in its history in order to upgrade and modernize its surface and air assets. The program currently known as Deepwater includes 91 new cutters, 124 new small boats, and 247 new or modernized airplanes, helicopters, and unmanned aerial vehicles.

According to the most recent acquisition program baseline, the Deepwater acquisitions are projected to cost $24 billion and take 25 years to complete. The underlying legislation includes $1.2 billion for acquisition of new vessels, aircraft and support systems under the Deepwater program for 2010.

The legislation also requires the Coast Guard to be responsible for the enforcement of any Federal security zone established around terminals and around tankers transporting ''especially hazardous materials.'' The bill requires the Secretary of Homeland Security, through the Coast Guard, to conduct a pilot program in the maritime environment for the mobile biometric identification of suspected individuals to enhance our border security.

The legislation establishes a pilot program to test and deploy preventative radiological or nuclear detection equipment on Coast Guard vessels and fixed locations in port areas. It establishes a congressional nomination system for admission to the Coast Guard Academy in New London, Connecticut. That process is similar to those already in place for the other service academies. Mr. Speaker, in south Florida we are all admirers of the Coast Guard. We see it day in and day out save lives and help citizens.

While I support this important underlying legislation, I oppose the rule by which it is being brought to the floor. The last time that a Coast Guard authorization bill was enacted into law, the Republican majority at the time brought the legislation to the floor with a rule that allowed consideration of the bill under a modified open process, a modified open rule. That type of rule allows any Member of the House to offer any amendments to the legislation without having to receive the approval of the Rules Committee as long as the amendment is preprinted in the CONGRESSIONAL RECORD. That's why it is known as a modified open rule; any amendment can be brought forward, but you have to preprint it.

Even though we historically considered this bill under a modified open rule, today the majority has brought that precedent to an end. It has decided that that precedent should be disregarded and that the right of Members to offer amendments should be restricted. Yesterday afternoon in the Rules Committee, we in the minority asked for the traditional modified open rule, and yet the majority voted it down on a party-line vote. I thought that was somewhat ironic. The last time the House considered this legislation under the traditional modified open rule, we were criticized for offering a modified open rule. That was called restrictive. Well, now we have again—unnecessarily and breaking with precedent—a structured rule; in other words, only those amendments made in order can be considered.

So here we are, Mr. Speaker, yet again with another example of how the current majority restricts, unnecessarily and unfortunately, the procedural rights of all Members of this body.

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

Ms. MATSUI. Mr. Speaker, before I yield to my next speaker, I just want to say there were only six amendments to the bill submitted to the Rules Committee from the minority side of the aisle, and all six were made in order under this rule. It doesn't get more bipartisan than that.

With that, I would like to yield 2 minutes to my good friend, the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. I thank my friend and colleague for yielding and rise in support of the rule and the underlying bill.

Mr. Speaker, a few years ago, Senator SUSAN COLLINS and I toured the Ports of Los Angeles and Long Beach.

Mindful of the assault on the USS Cole, during a security briefing with the Coast Guard, I asked what sort of protections were in place to defend against threats from small boats. The response made my jaw drop. We were told that small boats were advised to observe a 100-foot security perimeter around large ships—as if an imaginary ''Do Not Cross'' sign would deter terrorists bent on mimicking the USS Cole attack and blowing themselves up.

Clearly, small boats continue to pose a critical security risk and deserve serious attention. The manager's amendment to the underlying bill contains a provision which I authored requiring the Coast Guard to conduct a study assessing whether transponders—such as radio frequency ID tags—on small boats can effectively mitigate the threat of small boat attacks in major ports. Such a system already exists in Singapore, and Coast Guard Commandant Thad Allen has suggested it may work in the United States. Transponders are not the only way to address the small boat threat and they may not be the best, but they have the potential to greatly increase situational awareness in U.S. ports.

Beyond the small boats provision, this bill contains two other measures I believe are critical. One is a requirement for an Inspector General's report evaluating port operation centers' relationships with State, local, and regional fusion centers. The other is a requirement for DHS to conduct a review of the potential consequences of an attack on a gasoline or chemical cargo ship in one of America's ports.

I thank Chairman OBERSTAR for including my small boats provision, and I thank the Rules Committee, especially my California colleague and friend, Ms. MATSUI, for bringing this bill to the floor.

Vote ''aye'' on the rule and the underlying legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would point out to my friend, Ms. MATSUI, that when she says the amendments that were asked to be made in order before the Rules Committee were made in order, yes, that's correct. The tradition, as I pointed out earlier, of this House for many decades with regard to this legislation—especially since it's legislation that enjoys such widespread and bipartisan support—the tradition is that Members didn't have to go and beg the Rules Committee for authorization to have their amendments debated if they simply preprinted those amendments in the CONGRESSIONAL RECORD. That was another important tradition in this House that has been violated unnecessarily, that has been reversed, ended unnecessarily by the new majority. That's what I pointed out.

I would like to yield 5 minutes to my good friend, Mr. LOBIONDO of New Jersey, the ranking member of the Coast Guard and Maritime Subcommittee.

Mr. LOBIONDO. I thank my friend from Florida (Mr. LINCOLN DIAZ-BALART).

I would like to start off by thanking Mr. OBERSTAR, Mr. MICA and Mr. CUMMINGS for their bipartisan effort to look at all the serious issues that are involved with this legislation and to bring together a pretty good product. But I am disappointed, as Mr. DIAZ-BALART is, because the traditions of this very bipartisan committee have been changed with the basis of the rule being closed. And while I understand and am appreciative that Republican amendments were made in order, I think that it is sad that such a long tradition—when the Republicans were in the majority, it was either an open or a modified open rule. It is almost a little bit amusing, but more sad than amusing that Republicans were criticized for even having a modified open rule just with a preprint requirement, and now there is no open rule at all.

I am going to support the bill. I have a few considerations that we will be talking about when the amendments come up. But once again, I am disappointed with the rule.

I do want to talk about one of the amendments that we will be talking about tomorrow—I think it is very timely—on the issue of piracy and how we deal with piracy, because just today there were two pirate attacks. Now, fortunately they were not on U.S. flag vessels. One, I believe, was on a Panamanian vessel—we think it was a cargo ship—where there were 26 hostages taken. The other attack was on an Italian ship. Fortunately, my understanding is that a Belgium warship was nearby and was able to aid and assist the Italians in thwarting the pirates. But this only brings to light the serious nature—and we can all recall with horror when pirates took a U.S. flag vessel. If it were not for the heroics of the captain, the crew, and a Navy SEAL team, we could have had a devastating consequence. Because of that pirate attack on a U.S. flag vessel, our committee—again, in a very bipartisan way, with Mr. MICA, Mr. OBERSTAR and Mr. CUMMINGS—looked at what we could do. We all believed that the best answer to this would be for Coast Guard or Navy personnel to be on U.S. flag ships, but we understand the reality that that's not going to happen. So we entered into a bipartisan agreement, which was in the underlying bill before someone on the majority—and I think from the Judiciary Committee—got involved with this issue. The underlying bipartisan agreement basically said that if attacked by a pirate ship, a U.S. flag vessel crew member could take action to defend the crew, could defend who was on the ship against the pirates and not be held liable; a commonsense approach. The Judiciary language complicates it and makes it almost impossible. It puts a crew member in an incredibly difficult situation to determine the legal entanglements in his own mind as he's being fired upon with an automatic weapon or a rocket-propelled grenade launcher. If you think about the intensity of the moment, this is an attack on America. An attack on a U.S. flag vessel is an attack on the America. Why wouldn't we let the crew member have the opportunity to defend U.S. interests without liability?

I think a bipartisan approach that was reached was exactly what this House is all about in understanding U.S. interests and what's best for the United States of America. The amendment tomorrow will deal with this further when the whole body will have an opportunity to listen to this debate and to make up their own minds whether it's going to be right to put a crew member in that impossible situation of having to decide, through the legal entanglement of a series of checkmarks in his own mind as they're coming under attack, whether to protect the crew and the ship.

Once again, I thank my colleagues who have worked on this bill. I am disappointed with the rule. I will be voting against the rule, but I will be supporting the underlying bill.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Maryland, who is the Chair of the Subcommittee on Coast Guard and Maritime Transportation, Mr. CUMMINGS.

□ 1700

Mr. CUMMINGS. I thank Ms. MATSUI for yielding to me.

I rise in strong support of House Resolution 853, which would provide a structured rule to allow for consideration of the Coast Guard Authorization Act of 2010, H.R. 3619. I thank Mr. OBERSTAR and certainly Mr. MICA, and I thank Mr. LOBIONDO for his bipartisan efforts. Clearly, the bill is a work of just phenomenal bipartisanship.

H.R. 3619 is legislation that would provide an authorization for the United States Coast Guard, the fifth branch of our Armed Forces. I note that, unlike the Department of Defense services, the Coast Guard has not been authorized since 2006.

This legislation increases the authorized funding level for the service, as well as the number of military personnel allowed to be in the service. The legislation also addresses a number of other Coast Guard and maritime-related issues that have been considered by the Coast Guard Subcommittee and the full Committee on Transportation and Infrastructure over the past 3 years, including acquisition reform, fishing industry safety and implementation of the Coast Guard's marine safety program.

H.R. 3619 also includes the text of H.R. 3360, the Cruise Vessel Security and Safety Act of 2009, which was ordered reported by the Transportation Committee on July 30, 2009, and which would institute a number of new safety measures intended to assure that cruise vessels carrying passengers to and from the United States are as safe as possible.

Specifically, this legislation would include standards for the design and

equipping of cruise vessel staterooms and cabins. It would require ships to employ trained medical personnel who can adequately treat the victims of sexual assault. The legislation would also make available on the Internet information on the number of crimes reported on each cruise line. H.R. 3360 was offered by Congresswoman MATSUI, and I applaud her for her diligent and very hard work on this legislation.

I also commend the victims of incidents on cruise ships, several of whom I know are watching today, including Laurie Dishman, who is here with us now. All of them testified before our subcommittee and helped inform the development of this legislation.

Adoption of H. Res. 853 would also make in order for consideration the manager's amendment offered by the chairman of the full Committee on Transportation and Infrastructure, Congressman JIM OBERSTAR, as well as 12 other amendments.

I urge the adoption of H. Res. 853 so that we can move to provide a long overdue authorization for the Coast Guard, our thin blue line at sea.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve my time.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD), a member of the Transportation and Infrastructure Committee.

Mr. BAIRD. Mr. Speaker, I thank the gentlelady for the time, and want to commend the chairman for his work on this bill, as well as the ranking member.

I rise in strong support of the Coast Guard Authorization Act. This bill makes important strides in strengthening the modern day mission of our Coast Guard. It is such a privilege to represent the fine young men and women who serve our country at Cape Disappointment in my own district.

Also included in this bill is language clarifying the rule related to the taxation of interstate waterway workers. In an effort to address an unfair tax situation of waterway workers, whose jobs require them to work in multiple States, I authored legislation in the 106th Congress called the Transportation Employment Fair Taxation Act. This legislation barred States from taxing a nonresident waterway worker who performs regularly assigned duties while engaged as a master, officer or crewman on a vessel operating on the navigable waters of more than one State.

As the House report for this legislation stated, the purpose of this legislation was to prohibit any State from taxing the income of a nonresident interstate waterway worker. The Senate version of this legislation was signed into law on November 9, 2000.

Unfortunately, a 2006 decision by one State's tax court is wholly inconsistent with the intent of the 2000 law. Due to the use of the word ''of'' instead of ''in,'' the court believes it only applies to the waterways that are owned jointly by more than one State. This was clearly not the intent of the 2000 law. The legislative history and CONGRESSIONAL RECORD make clear it was not the intent of the law, and I happen to know a little about that intent because I authored the legislation.

This legislation today makes a slight wording change to clarify that the law is intended to apply to all interstate waterway workers on all waterways. It is my sincere hope that this minor change will make clear that States are prohibited from taxing the income of a nonresident interstate waterway worker, period. I want to make clear that this was the intent of the law I authored in 2000, and this legislation before us today will reinforce that congressional intent.

Again, I thank the gentlelady for the time, and recommend passage.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR. I thank the gentleman.

I rise in opposition to the rule. We have at the moment about 10 percent unemployment in the United States of America. Some of the oldest laws of our Republic are the cabotage laws, which reserve coastwide commerce for American-made, American-owned, American-crewed vessels. They also required that all repairs to those vessels take place in the United States of America, except for emergency repairs, and certainly prohibited the rebuilding of any vessel overseas.

In recent years, I have supplied to the United States Coast Guard photographs of a ship that was clearly rebuilt in the People's Republic of China. Just yesterday, I supplied to the Rules Committee those same photographs, a vessel that any amateur could look at and clearly see this isn't an emergency repair. It is the rebuilding of an American-flagged Jones Act vessel in the People's Communist Republic of China.

Having brought this to the attention of the Commandant, he said that the law reads, and I want people to hear this, A vessel is deemed to have been rebuilt in the United States only if the entire rebuilding, including the construction of any major component of the hull or superstructure, is done in the United States.

That seems pretty clear to me. Apparently it was not clear to the Marine Inspection Office of the Coast Guard. So I asked the Commandant of the Coast Guard for a clarification. ''Why don't you come up with something, Mr. Commandant, that your folks will understand?''

He came up with a very simple amendment that said 10 percent of the weight of the vessel, if you are changing out 10 percent of the weight of the vessel, that is clearly a rebuild. It has to be done stateside.

I regret that an amendment drafted by the United States Coast Guard was rejected by the Rules Committee. I am told it was a concern about some foreign treaties, and I would remind Members this is language that goes back to 1956, prior to GATT.

So I am going to rise in opposition to this rule.

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield an additional 2 minutes to the gentleman.

Mr. TAYLOR. I would have thought with a Democratic majority that we would have been about trying to repeal things like NAFTA, things like most-favored-nation status for China, and those things that limit American job opportunities here within our own country.

I am deeply disappointed in the ruling of the Rules Committee. Obviously, we need to get this bill to the floor, but we ought to be taking steps every chance we get to bring jobs home to America. The Rules Committee decided otherwise in a vote last night.

I thank the gentleman very much for the opportunity.

Ms. MATSUI. Mr. Speaker, before I yield to the next speaker, I just want to say that many of us on the Democratic side are sympathetic to the amendment offered by my colleague from Mississippi. We all think that we should build critical national security assets here at home in the United States.

However, there are also some concerns about whether the Taylor amendment would have exposed our country to reprisals at the WTO. Trade issues are very delicate right now with the world economy struggling so much. We should deal with the issues brought up by Mr. TAYLOR, but we should do so at a time when we are certain that we do not do more harm to our economy than good.

These issues certainly deserve more discussion and attention. My colleagues and I look forward to working with Mr. TAYLOR to address this very, very important topic.

With that, Mr. Speaker, I would like to yield 2 minutes to the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. I thank the gentlewoman for yielding.

Mr. Speaker, I rise in support of H.R. 3619, the Coast Guard Authorization Act of 2010. This important legislation will not only provide vital resources to one of our Nation's key security and law enforcement services, but also has the potential to bolster the maritime shipping industry and create much-needed jobs.

The legislation requires the Great Lakes Maritime Research Institute to carry out studies of the maritime shipping system of the Great Lakes. My language, included in the manager's amendment, requires these studies to include an analysis of the number and types of jobs that rely on the shipping system and how they are distributed across key demographics. This information will help legislators better assess and respond to the needs of the

Great Lakes marine transportation and labor force.

The Great Lakes shipping industry is a key component of our regional and national economic well-being. My language will provide vital information that will help develop the Great Lakes workforce and help us anticipate and meet future workforce challenges.

I urge my colleagues to support the Coast Guard Authorization Act.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I think Mr. TAYLOR brought out a very relevant and important example of why it was appropriate and important to follow what has been a decades-long tradition of allowing all Members with amendments to introduce them for consideration by the entire House simply by preprinting them in the CONGRESSIONAL RECORD.

Mr. TAYLOR should not have had to go to the Rules Committee and wait, and then ask, request, permission to have his amendment considered. In addition to having to wait and then ask for permission, he was denied permission to have his amendment considered, which is an important amendment.

He explained it in detail before the Rules Committee. In representation of his constituents and having developed an expertise throughout many years of service here, he communicated with the Coast Guard and basically came to an agreement on interpreting existing law, law that was passed before we entered into GATT and the international commitments that were referenced by my dear friend Ms. MATSUI. Existing law before those commitments is what Mr. TAYLOR is trying to refine, to technically make clear, in pursuance of the interests of his constituents and our Nation.

That idea should have been able to be debated. His proposal should be able to be debated and considered by the entire House. It is another example, and a concrete example, an important example, of why I believe it is inappropriate, Mr. Speaker, to limit the procedural rights of the Members of this House.

I thank my friend Ms. MATSUI for her courtesy, and all of those who have participated in this debate. I want to point out, and then I will reserve our time again—I believe you have more speakers—that when I refer to the breaking of tradition by the majority, in this instance the reversal of the tradition that allowed for Members to preprint their amendments and have them considered by the entire House, when we maintained that tradition, when we followed that tradition that is now reversed, we were criticized for not allowing in this instance a fully open rule, again because we maintained the tradition of the preprinting requirement known as the modified open rule, and we were criticized by the then-minority. And they promised, Mr. Speaker, to open the process further, to improve the process, to make it more transparent.

Well, that was another promise broken, because instead of improving, making more transparent the process that we were criticized for, instead of improving that process, they have further closed it. It is unfortunate.

I reserve my time.

□ 1715

Ms. MATSUI. Mr. Speaker, I just want to make a comment before I yield.

This legislation before us today is bipartisan and widely supported. It was reported by the Transportation and Infrastructure Committee by voice vote. During that bipartisan markup process, only two amendments were offered, and both were adopted by voice vote. The working relationship between Chairman OBERSTAR and Ranking Member MICA is well known because they work together, and that is what we're trying to do today. Today's rule is structured the way it is so to continue this tradition of working issues out before they become political in nature.

With that, I would like to yield 3 minutes to my friend, the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I want to start off by thanking Chairmen OBERSTAR and CUMMINGS and Ranking Member MICA for all of their hard work on this bill.

We've given the Coast Guard so much responsibility, and they have been up to every challenge. The Coast Guard has been protecting our shores for more than 200 years and have done an outstanding job. The Coast Guard was the first agency to react to the terrorist attacks on September 11, and was the only agency in the Bush administration to actually do their job during the evacuation and disaster of Hurricane Katrina. Today, we are finally providing the crucial agency the resources it needs to complete its new expanded mission.

As a Member from the State of Florida, which has 14 ports and numerous cruise lines, I have particular interest in the cruise industry. The cruise industry is an important economic engine in the State of Florida. Florida ranks first in the Nation for cruise industry expenditures, with over $6 billion in direct spending, accounting for 33 percent of the total industry direct spending. Cruise industry spending generates more than 127,000 jobs and wages totaling over $5 billion in income to Floridian workers, and over 5 million passengers embarked from Florida's five cruise ports in 2007.

Before coming to Congress, I owned, really, three travel agencies, and I can tell you that cruises are one of the most cost-effective, safe, and enjoyable vacations one can take. In fact, I just recently sent my mother on a cruise.

The cruise industry is highly regulated by the State, the Federal Government, and international laws. They ensure that their passengers are safe and have a sound security record. It is apparent from the FBI statistics that crimes against U.S. passengers on cruise ships are rare.

A leisure cruise is one of the most popular vacation options because of its excellent safe record and a high quality of service provided on board.

I look forward to working with the committee members to continue to ensure that safety and well-being of passengers on cruise ships is maintained.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I continue to reserve.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I rise in support of the rule in support of H.R. 3619, the Coast Guard Reauthorization Act. I'd like to thank my colleague from Minnesota, Chairman OBERSTAR, and his staff for their hard work on this bill.

Michigan's First Congressional District borders three of the five Great Lakes and contains 1,613 miles of shoreline, more than any other congressional district in the continental United States. The Coast Guard is not only the largest military resource in the area and a key defender of the Great Lakes, but is also of utmost importance to securing commerce routes and assisting the navigation.

I'd like to address a few provisions in the bill. First, the bill recognizes the need for a Coast Guard presence on the Great Lakes by authorizing $153 million for a new Great Lakes icebreaker. During the winter months, 17 million tons of commerce moves through the Great Lakes, and icebreakers play an important role in keeping our channels open.

Ice-breaking capacity on the Great Lakes has dropped dramatically over the past few years. The Coast Guard Cutter Acacia, stationed in Charlevoix, Michigan, was decommissioned on June 7, 2006, after 60 years of service. The Canadian Government also recently decommissioned two of its icebreakers on the Great Lakes without replacing them. Without a sufficient cutter presence, the island communities, businesses, and individuals that rely on the Great Lakes shipping are put at risk. It's critical that Congress provide the funding for a new Coast Guard cutter and ensure the Coast Guard can meet its operational responsibility on the Great Lakes.

Secondly, I appreciate that section 1323 of the bill includes the authority to transfer the old Coast Guard facility and surrounding acres in Marquette, Michigan, to the city. In 2008, the city of Marquette sold 1.5 acres of Lake Superior waterfront property to the Coast Guard for $1 to construct a new facility. The city also committed $170,000 to reroute bike trails, make roadway improvements, and make infrastructure improvements in order to prepare the property for a new Coast Guard facility. In exchange, an agreement was reached between the city and the Coast Guard to transfer land that was then occupied by the Coast Guard to the city upon completion of the new facility. In August 2009, the Coast Guard

moved into a new facility. As such, remediation of the old parcel should be done by the Coast Guard without delay; however, remediation is not scheduled until fiscal year 2013. I hope the chairman and the Coast Guard will work with me and the city of Marquette to see that remediation is completed in a more timely manner. The city generously lived up to its end of the deal and we must ensure the Coast Guard does the same.

I also appreciate the inclusion of a provision that would facilitate a land transfer between the Coast Guard to the Cornerstone Christian Academy in Cheboygan, Michigan, of six acres of property the Coast Guard deems as excess property. This land is supported by the Coast Guard, the academy, and the Cheboygan community.

Finally, I appreciate Chairman OBERSTAR's past support for inclusion of a provision in the 2008 Coast Guard reauthorization bill to return a historic Fresnel lens to the Presque Isle Lighthouse station in Presque Isle, Michigan. I know the Coast Guard reauthorization bill passed by the Senate committee includes this language, and I hope the chairman will work with me on the issue as the bill goes forward. I hope an agreement can once again be reached on this matter.

Again, I thank the chairman for his work on crafting this bill. I thank the gentlewoman for yielding. I look forward to continuing to work with everyone on the Coast Guard issues.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, again, I thank my friend, Ms. MATSUI, for her courtesy during this debate with regard to this important underlying legislation that's being brought to the floor. I also thank Chairman OBERSTAR and Ranking Member MICA, as well as Chairman CUMMINGS and Ranking Member LOBIONDO.

I'd like to, before proceeding, yield 5 minutes to my friend from Miami, Florida, the distinguished ranking member of the Foreign Affairs Committee, Ms. ROS-LEHTINEN.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my good friend, Mr. LINCOLN DIAZ-BALART, for his leadership on the Rules Committee.

Mr. Speaker, I'm pleased that today and tomorrow the House is debating the Coast Guard Authorization Act. The U.S. Coast Guard has over 42,000 men and women serving in active duty. These proud individuals are tasked with 11 specific missions ranging from coastal security to drug interdiction and marine safety. It is our duty to ensure that they are fully funded and equipped to carry out these responsibilities.

As the Representative of south Florida and the Keys, I know just how important their mission is. My congressional district contains over 265 miles of U.S. coastline and includes the largest coral reef system in the continental United States. Two of the largest Coast Guard sectors in the U.S., Sector Miami, commanded by Captain James O. Fitton, and Sector Key West, commanded by Captain Pat DeQuattro, are located in my congressional district.

The men and women serving these Coast Guard sectors play key roles in fighting the flow of illegal drugs to our country. They deny smugglers the use of air and maritime routes into our country, and in fiscal year 2009, the U.S. Coast Guard seized 29,485 pounds of cocaine. But determined drug smugglers are using very sophisticated ships and technologies, and it will become increasingly difficult to prevent their illegal activities without providing the Coast Guard the fundamental resources that it needs. South Florida is an all-too-convenient transit hub for many of these smuggling operations, and I commend our local Coast Guard sectors for their ongoing efforts to fight the flow of illegal drugs into our neighborhoods.

As my constituents well know, the Coast Guard also saves thousands of lives every year. According to the latest statistics published by the Coast Guard, in 2008, Coast Guard Search and Rescue responded to 24,000 cases and saved 4,000 lives. Sector Miami responded to 858 Search and Rescue cases this year, with 1,410 lives saved and over $12 million in property saved.

This year, Sector Miami also established the Coast Guard's first Cruise Ship Center of Expertise. This center provides a unique partnership between the Coast Guard and the cruise ship industry so that they're better able to meet the compliance with international safety standards as well as maritime security and environmental standards.

Ensuring that the brave men and women have the tools that they need in the Coast Guard to effectively patrol our coasts is one of my priorities. In Sector Key West, this past year alone, the Coast Guard was able to respond to 300 law enforcement cases as well as 645 rescue and search cases. At this sector, also, many treasured natural wonders are contained there, and they also responded to 152 pollution reports in the protection of the Florida Keys National Marine Sanctuary.

Sector Key West was also instrumental in coordinating with the National Oceanic and Atmospheric Administration, NOAA, the U.S. Environmental Protection Agency, EPA, and the State and local agencies in the successful artificial reefing of the 520-foot ex-USS *Vandenberg*. This was the second largest ship to become an artificial reef in the U.S.

Since the September 11 terrorist attacks, the Coast Guard has served as the primary agents responsible for our Nation's maritime security. This year, they even deployed six patrol boats and 400 personnel to help protect Iraq's maritime oil infrastructure, train Iraqi naval forces, and enforce U.N. sanctions in the Arabian Gulf.

We can all agree that the brave men and women of our oldest, continuous seagoing service deserves more than just our respect and admiration. They deserve the appropriate funding to carry out their important missions. I urge all Members to recognize the crucial need to protect our Nation by strengthening the United States Coast Guard so that they may continue to live up to their motto, ''Always Ready.''

I thank the Speaker and I thank my good friend and colleague, Mr. DIAZ-BALART, for yielding me the time.

Ms. MATSUI. Mr. Speaker, I would inquire of the gentleman from Florida if he has any remaining speakers.

Mr. LINCOLN DIAZ-BALART of Florida. No, and I will wrap up my remarks shortly.

Ms. MATSUI. I have no speakers on my side. I'm prepared to close.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, again I thank my friend, Ms. MATSUI.

Over the past few months, the American people have written and called their Members of Congress, or they've made their opinions known at town hall meetings, asking their Congress Members whether they will pledge to read bills before they vote on them. The reason is that the people were outraged finding out that the majority has forced Congress to vote on a number of sweeping and often very expensive bills without giving Members time to understand or even to read them. For example, we were forced to vote on the final so-called stimulus bill, on the omnibus appropriations bill; or on the cap-and-trade bill, that one we were provided at 3 in the morning, and then a few hours later it was here on the floor. In some instances, much less than 24 hours.

□ 1730

That's no way to run this House. Our constituents are rightly upset. I think they should be. The distinguished Speaker said, ''Members should have at least 24 hours to examine bills and conference reports before floor consideration.'' It's even on her Web site. Yet time and again, the distinguished Speaker and the majority leadership have refused to live up to their pledge.

That is why a bipartisan group of 182 Members of Congress have signed a discharge petition to consider a bill that would require that all legislation and conference reports be made available to Members and the general public for 72 hours before being brought to the House floor for a vote.

So that's why today I'll be asking for a ''no'' vote on the previous question so we can amend this rule and allow the House to consider that legislation, H. Res. 554, a bipartisan bill by my friends and colleagues, Representatives BAIRD and CULBERSON.

Now, Members may be concerned that this motion would jeopardize the Coast Guard reauthorization bill, but I want to make clear the motion I am making provides for separate consideration of the Baird-Culberson bill within 3 days so that we can vote on the Coast Guard bill, and then once we're done, consider H. Res. 554.

I would ask, thus, Mr. Speaker, for the previous question to be defeated.

AMENDMENT TO H. RES. 853 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, insert the following new section:

SEC. 3. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the resolution (H. Res. 554) amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) One hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules; (2) an amendment, if offered by the Minority Leader or his designee and if printed in that portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII at least one legislative day prior to its consideration, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for twenty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit which shall not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 554.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution. . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself the remainder of my time.

The rule before us today is a fair rule that includes a bipartisan group of Democratic and Republican amendments. All of the Republican amendments submitted to the Rules Committee are made in order by this rule. Furthermore, the underlying legislation strengthens and reforms a key component of our Nation's security forces.

Coast Guard authorization has been long in coming. That delay has meant inadequate authorization levels for ever-increasing demand. One of the good things this bill would do is encourage a larger, more educated merchant marine workforce by establishing a maritime career recruitment training and loan program. It will modernize the Coast Guard by reorganizing senior leadership and by establishing a firm foundation for a robust marine safety program. U.S. cruise ship passengers will also receive enhanced safety and security protections thanks to this legislation.

In total, the Coast Guard Authorization Act of 2010 will strengthen our Nation's Coast Guard and our national security for years to come.

I urge passage of the rule and the underlying legislation.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of this rule and the underlying bill—H.R. 3619, the Fiscal Year 2010 Coast Guard Authorization Act.

I would like to commend the Rules Committee for approving a Rule that will allow for a robust debate. I am particularly pleased that it provides 20 minutes of debate on the port security title of the bill.

Over the past few weeks, we worked closely, and on a bipartisan basis, with Chairman OBERSTAR, Chairman CUMMINGS, Ranking Member MICA, and Ranking Member LOBIONDO to bring this critical security bill to the floor as expeditiously as possible.

The bill that we are considering today builds on H.R. 2830, the Coast Guard Authorization bill that the House approved by a vote of 395 to 7 last Congress. Unfortunately, despite strong bipartisan support, that measure was not ultimately enacted into law.

Like that bill, H.R. 3619 provides long-overdue resources to an agency that has been underfunded for many years, while providing the Coast Guard new tools to secure our Nation's maritime environment in this post-9/11 world.

With respect to port and maritime security, H.R. 3619 provides key new resources to help the Coast Guard execute this homeland security mission. Specifically, it provides 1,500 additional Service Members, more Maritime Security Response Teams and Canine Detection Teams.

The bill also includes an important Coast Guard acquisition reform provision that requires the Coast Guard to take over the management of the 25-year, $24 billion Deepwater program.

Finally, I am pleased that the bill fosters greater diversity at the Coast Guard Academy—one of the Nation's fine military academies. Specifically, a provision I authored with Chairman CUMMINGS would, for the first time, allow Members of Congress to nominate candidates for the Coast Guard Academy. It also directs the Coast Guard to establish programs to identify young adults from Minority Serving Institutions who may be candidates for becoming Coast Guard officers.

Passage of H.R. 3619 will provide the Coast Guard with a cadre of diverse, bright candidates from non-coastal areas of the nation and has the potential of helping to improve the culture within the Coast Guard Academy.

In closing, I would like to urge my colleagues to join me in supporting this rule and the underlying bill.

Ms. MATSUI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 853, if ordered; and suspension of the rules with regard to House Resolution 836, if ordered.

The vote was taken by electronic device, and there were—yeas 236, nays 171, not voting 25, as follows:

[Roll No. 809]

YEAS—236

Ackerman	Baca	Berman
Adler (NJ)	Baldwin	Berry
Altmire	Barrow	Bishop (GA)
Andrews	Becerra	Bishop (NY)
Arcuri	Berkley	Blumenauer

Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Olver
Ortiz
Pallone
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—171

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Massa
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—25

Abercrombie
Barrett (SC)
Bean
Biggert
Buyer
Cardoza
Davis (AL)
Dreier
Forbes
Frank (MA)
Gohmert
Hinojosa
Inslee
Lofgren, Zoe
Lowey
McCaul
Murtha
Obey
Pascrell
Radanovich
Richardson
Rogers (MI)
Walden
Wamp
Young (AK)

□ 1800

Messrs. RYAN of Wisconsin, CASSIDY, ISSA, and MASSA changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 213, nays 192, not voting 27, as follows:

[Roll No. 810]

YEAS—213

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Carnahan
Carson (IN)
Castor (FL)
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor (AZ)
Payne
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Reyes
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Speier
Spratt
Stark
Stupak
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—192

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capuano
Carney
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Griffith
Guthrie
Gutierrez
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Massa
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen

Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Stearns
Sullivan
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walz
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—27

Abercrombie
Barrett (SC)
Bean
Biggert
Buyer
Cardoza
Davis (AL)
Dreier
Forbes
Frank (MA)
Gohmert
Hinojosa
Inslee
Lofgren, Zoe
Lowey
McCaul
Murtha
Pascrell
Perlmutter
Radanovich
Rangel
Richardson
Rogers (MI)
Velázquez
Walden
Wamp
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1807

Mr. NEAL of Massachusetts changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT FOR TEEN READ WEEK

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 836.

The Clerk read the title of the resolution.

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. 836.

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. MATSUI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 27, as follows:

[Roll No. 811]

YEAS—405

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Luetkemeyer
Luján
Lummis
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—27

Abercrombie
Barrett (SC)
Bean
Biggert
Buyer
Cardoza
Coble
Davis (AL)
Dreier
Forbes
Frank (MA)
Gohmert
Gutierrez
Hinojosa
Inslee
Lofgren, Zoe
Lowey
Lungren, Daniel E.
McCaul
Murtha
Pascrell
Radanovich
Richardson
Rogers (MI)
Walden
Wamp
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Less than 2 minutes remain in this vote.

□ 1816

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution.

S. RES. 315

In the Senate of the United States, October 21, 2009.

Whereas Cliff Hansen worked as a cattle rancher and was inducted into the National Cowboy Hall of Fame as a ''Great Westerner;''

Whereas Cliff Hansen served as governor of the State of Wyoming from 1963–1967;

Whereas Cliff Hansen served the people of Wyoming with distinction in the United States from 1967–1978; and

Whereas Cliff Hansen was the oldest former Senator at the time of his death: Now, therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Cliff Hansen, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Cliff Hansen.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing

votes of the two Houses on the amendment of the Senate to the bill (H.R. 2647) ''An Act to authorize appropriations for fiscal year 2010 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, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.''.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 704

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H. Res. 704.

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

There was no objection.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3619 and include extraneous material in the RECORD.

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

There was no objection.

COAST GUARD AUTHORIZATION ACT OF 2010

The SPEAKER pro tempore. Pursuant to House Resolution 853 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3619.

□ 1817

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3619) to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes, with Mrs. DAHLKEMPER in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the Chair and ranking minority member of the Committee on Transportation and Infrastructure and 20 minutes equally divided and controlled by the Chair and ranking minority member of the Committee on Homeland Security.

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 20 minutes; the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from New York (Mr. KING) each will control 10 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Madam Chair, I yield myself 4 minutes in strong support of H.R. 3619, the Coast Guard Authorization Act of 2010, the annual authorization for the Coast Guard, which we have several times passed in the House, but which the other body has not acted upon.

It's unfortunate that the Coast Guard has gone so many years without a formal authorization bill. The appropriation committees, which I applaud, in both previous Republican management and the past 2 years under Democratic leadership, the appropriation committees have continued authority for Coast Guard programs and provided funding to previously established levels. But the Coast Guard needs the legislative framework. It needs the policy framework that we provide in the authorizing legislation.

We have passed essentially this bill in the 110th Congress. We are now going to do it again, I am quite confident. We have wonderful bipartisan support, and I am very earnestly hoping and working, talking to our colleagues in the other body, to get their action so we can send this bill to the President for his signature.

And to that end, I express my very great appreciation to the gentleman from Florida (Mr. MICA) who is the senior Republican on the committee and who has been a partner in working, not only this legislation, but many, many other bills that we have brought through committee to the House floor and through to signature by the President, including even an occasion where we had to override a Presidential veto.

I express great appreciation to the gentleman from Maryland (Mr. CUMMINGS) who has taken on the responsibility of chairing the Coast Guard Subcommittee. The gentleman has applied himself diligently and vigorously to understand the workings of the Coast Guard, the issues of their mission, the needs of the various Coast Guard districts and of headquarters and has spent enormous amounts of time in chairing subcommittee hearings on the needs and issues of the Coast Guard and those maritime activities that depend upon or are regulated by the Coast Guard.

And I express appreciation to the gentleman from New Jersey (Mr. LOBIONDO), who in a previous Congress has chaired this subcommittee and was fair-minded, evenhanded and very diligent and has been a splendid partner in shaping the bill that we bring to the House, to the Committee of the Whole, today.

Our bill authorizes $10 billion for the Coast Guard for fiscal 2010. It will increase the total end strength of the Coast Guard by 1,500 service personnel to a level of 47,000. Now that, I just have to point out, that compares to 39,000 authorized personnel in 1975, my first year in Congress, my first year in which I also served on the then-Merchant Marine and Fisheries Committee and on the Coast Guard Subcommittee. But since that time, Congress has added 27 new missions and responsibilities for the Coast Guard without substantially increasing the personnel or the funding for the Coast Guard to carry out those missions.

Now, the men and women who wear that unique color of blue uniform have prided themselves on being a multi-mission agency, and they have prided themselves on being able to carry out all these many responsibilities. But they are working shorthanded, they are working underfunded and they need this authorization bill, and they need this increased service personnel strength that we provide in the bill before us.

We authorized $153 million for the design and construction of a new replacement icebreaker for the Great Lakes.

The CHAIR. The time of the gentleman has expired.

Mr. OBERSTAR. I yield myself an additional 2 minutes.

Last year, we had the situation where ships were moving in the upper lake, Lake Superior, and through the Sioux Locks beset with heavy ice cover, while the icebreaker Mackinaw was in the lower lakes on icebreaking mission. The Coast Guard has been provided funding for and have operated harbor icebreakers. Well, fine, they can operate in the harbor, they can move slush ice around, but they can't break the big ice. And when our iron ore needs to move from the upper lake to the lower lakes steel mills, it's got to get through that heavy ice. And we need an icebreaker on duty in both the upper lake and the lower lakes. And this legislation will provide funding for a second major Mackinaw-class icebreaker.

Last year, U.S.-flag vessels that were moving coal, critical for lower lakes power plants, coal that comes all the way by train from the Powder River Basin to the lake head of Duluth-Superior, those ships and our iron ore vessels sustained one plus—1½ to a larger million dollars in damages to hulls because of a decreased icebreaking capability of the Coast Guard. Five of the Coast Guard's smaller size, 1,200-horsepower capability vessels are at the end of their service life. We need a Mackinaw-class vessel on the Great Lakes in addition to the one that is now operating.

We, in this bill, respond to the many shortcomings in Coast Guard acquisition efforts over the past several years and require the Coast Guard to develop lifecycle cost estimates for assets that will cost more than $10 million, have a service life of at least 10 years, will prohibit contractors self-certification, an issue that arose in a 10-hour hearing Chairman CUMMINGS conducted, Mr. LOBIONDO was a part of this hearing.

The CHAIR. The time of the gentleman has again expired.

Mr. OBERSTAR. I yield myself 1 additional minute.

We went until late in the night to address this extraordinary failure of arm's length contractual relationship between the Coast Guard and its contractors. So the legislation takes the lessons learned in that intensive hearing and months-long investigation to establish the appointment of a chief acquisition officer as a qualified acquisition professional.

We held a hearing on mariner education and workforce in the Coast Guard Subcommittee, and we heard concerns that there will be a shortage of qualified and experienced personnel as the Coast Guard oversees expansion of industry import and export activities over the next decade. We will establish a recruitment and training and loan program so that we'll be able to establish a robust labor pool in the maritime industry.

The CHAIR. The time of the gentleman has again expired.

Mr. OBERSTAR. I yield myself an additional 15 seconds.

There are a number of other items in this bill that Mr. CUMMINGS will further detail in his remarks.

I reserve the balance of my time.

Mr. MICA. The gentleman from New Jersey (Mr. LOBIONDO) is going to control the time if he may.

The CHAIR. The Chair recognizes the gentleman from New Jersey.

Mr. LOBIONDO. Thank you, Madam Chair.

Before my remarks, I would like to yield to the ranking member of the full committee, the gentleman from Florida (Mr. MICA), such time as he may consume.

Mr. MICA. Thank you so much for recognizing me. My remarks tonight will be somewhat abbreviated since I'm a bit hoarse, much to the pleasure of those that don't like to hear me; but I will, with some dismay to others, proceed.

First of all, I would urge my colleagues to support this legislation. We are going to have a manager's amendment in a few minutes that has some provisions that I have questions about. This bill to authorize the Coast Guard for 1 year is basically a good bill. I do have some questions with some of the provisions.

First of all, I have to thank Mr. OBERSTAR and Mr. CUMMINGS and certainly our ranking member, the gentleman from New Jersey (Mr. LOBIONDO). They have worked tirelessly. Particularly, I have to give a lot of credit to Mr. LOBIONDO. He absolutely loves the Coast Guard, I think, with all his heart and soul; and he is dedicated to the men and women who serve. So from our side of the aisle, I want to thank, again, Mr. OBERSTAR and Mr. CUMMINGS and staff, everyone working together. We have not passed a Coast Guard authorization since July of 2006, and this is an example of bipartisan effort. It's also an example of having introduced legislation and fine-tuning it. There were some problems with some of the initial submissions in the initial act that was submitted, and I think we've come a long way from that point.

I do want to, again, thank the men and women of the Coast Guard. They do a great job for safety and security of our Nation's coast, and they are there when we need them. We need this authorization now to provide both the policy, the programs and also the funding for that great organization.

□ 1830

When I became the ranking member, I remember one of the first calls I got was from the Coast Guard commandant. It wasn't a time that I particularly look on as a bright spot in the history of the Coast Guard. They had had a number of problems with developing a security class cutter. We had some 110-foot cutters that were being retrofitted to a greater length and for hopefully a longer useful life, and both of those programs had run aground. I think we have worked with the Coast Guard and helped them learn from their experience.

I think there was an attempt to possibly inject the government becoming a systems integrator, and heaven forbid that a smaller agency like the Coast Guard would be cast with that responsibility when it's even difficult for the Navy to take on that. But again, working with Members, I think they have crafted some good provisions in this legislation that will address some of the shortcomings that we see.

Mr. OBERSTAR has paid particular attention to the safety regime and also the structure of the senior Coast Guard leadership. This action today approves longstanding requests from the Coast Guard to modernize their command structure.

I think the bill also has some other excellent provisions in it. One of those that I take particular interest in is that the bill establishes a civil penalty for possession of illegal drugs on U.S. waters. It also includes enhanced tools for the Federal Government to apprehend and prosecute individuals who seek to smuggle undocumented persons into the United States. Both of these provisions will help the Coast Guard better carry out its law enforcement responsibilities. So there are a number of good provisions in here.

I do have questions about the manager's amendment. Mr. LOBIONDO and I are concerned about possible watering down of some of the provisions relating to piracy. Unfortunately, we've seen cases of mayhem and piracy on the open seas, and we want to give all the tools that we possibly can for enforcement on the high seas. We don't want to have a whole host of impediments to people protecting themselves or taking action against pirates. I believe that, again, an amendment that's offered by Mr. LOBIONDO, which I will strongly support, will restore some of the intention of having a strong anti-pirate provision and capability for our maritime personnel.

I also have some concerns in the legislation in several other areas; I won't get into them too much at this point. One in particular deals with the TWIC card, the Transportation Worker Identification Credential. The State of Florida has also had a demonstration of this technology and this card, along with three other States. They have some reservations about the provisions that are included in this legislation. I do have an amendment that deals with that, and that is another concern.

Finally, we also have a small provision in here I am pleased that I was able to help include, and that's establishing a congressional nomination system for admission to the Coast Guard Academy. Three of our other services have this; we don't have it for the Coast Guard. I think it will enhance the prestige of the Coast Guard Academy, and it will also help us assemble an even more capable, I think, and diverse student body.

I commend Chairman CUMMINGS, Mr. OBERSTAR and Mr. LOBIONDO, our Republican leader on this subcommittee, for their efforts.

Mr. OBERSTAR. I yield such time as he may consume to the distinguished chairman of the Subcommittee on the Coast Guard, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Madam Chair, as chairman of the Subcommittee on Coast Guard and Maritime Transportation, I rise today in strong support of the Coast Guard Authorization Act of 2010, H.R. 3619. I applaud Chairman OBERSTAR for his diligent work on this legislation, his detailed oversight of the Coast Guard, including his focus on ensuring that the service remains prepared to carry out all of its traditional missions, and for his leadership on the Committee on Transportation and Infrastructure.

I also thank Congressman MICA, the ranking member of the full committee, and Congressman LOBIONDO, the ranking member of the subcommittee, for their work on this legislation. I certainly thank Chairman BENNIE THOMPSON and Ranking Member PETER KING from the Homeland Security Committee for working so closely with us to move this very important legislation to the floor today.

This comprehensive legislation would authorize approximately $10 billion to fund the Coast Guard's operations for fiscal year 2010. The legislation would also increase the level of military personnel authorized to be in the service by 1,500 servicemembers to 47,000 personnel. I have long said that the Coast Guard is our thin blue line at sea, and that thin blue line is now stretched as never before, as Mr. OBERSTAR has said, as it attempts to carry out its traditional missions while performing new Homeland Security responsibilities it assumed after 9/11.

The increase in the service's end strength that will be provided by the

bill would be a first step in what must be the continued growth that will finally make the Coast Guard's size equal to the demands our Nation makes of it. By incorporating a number of bills that have passed the Committee on Transportation and Infrastructure, and in some cases the full House, this legislation will also address the most pressing issues facing our Coast Guard and our Nation's merchant mariners.

For example, this legislation incorporates H.R. 1665, the Coast Guard Acquisition Reform Act of 2009, which passed the House on July 29 by a vote of 426–0. I offered that legislation to modernize the Coast Guard's management of its billion-dollar annual acquisition program. This legislation responds directly to the shortcomings the committee and subcommittee examined in the Coast Guard's implementation of several Deepwater procurements by requiring the appointment of a Chief Acquisition Officer who can be a senior military officer or a member of the senior executive service, but who must be a trained acquisition professional.

The legislation would also eliminate the use of private sector lead systems integrators and require the Coast Guard to develop tailored testing and evaluation programs and independent life-cycle cost estimates for its largest procurements.

H.R. 3619 also includes the Maritime Workforce Development Act, H.R. 2651, which would authorize the appropriation of $10 million in each of fiscal years 2010 through 2015 to fund loans to help mariners in all stages of their careers obtain the training and certifications they need to move ahead.

In addition, H.R. 3619 would authorize a reorganization of the Coast Guard's senior leadership as proposed by the Commandant, Admiral Thad Allen; would make marine safety a core mission of the Coast Guard, and would require that those appointed to marine safety positions have the training necessary to effectively carry out this mission.

H.R. 3619 would also create a process through which Members of Congress could nominate students to attend the United States Coast Guard Academy as is done it all other Federal service academies. Data provided by the Coast Guard show that only approximately 15 percent of the incoming class of 2013 at the Coast Guard Academy was comprised of minority students. By comparison, the Naval Academy's class of 2013 was the most diverse class in that institution's history, with 35 percent of the incoming class of midshipmen being minorities. I strongly believe that initiating a nomination process will enable the Members of Congress to support and fully engage in the Coast Guard's ongoing efforts to expand diversity at the Academy and help ensure that the service's officer corps and future leaders truly reflect the diversity of our great Nation.

H.R. 3619 will provide a long overdue authorization for the Coast Guard and address the pressing issues that the committee and the subcommittee have examined through extensive oversight efforts during the past 3 years.

I strongly urge adoption of this legislation.

Mr. LOBIONDO. I yield 2 minutes to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my colleague from New Jersey.

Mr. Chairman, I would like to engage in a colloquy about a provision in the manager's amendment.

Mr. OBERSTAR. Certainly. The gentleman has the time.

Mr. PETRI. I will yield to the gentleman for that purpose.

Could the chairman clarify that the provision concerning the delegation of certain Coast Guard functions to nongovernmental classification societies is intended to direct that the authorization to perform inspection services should be delegated by the Coast Guard to any classification society, foreign or domestic, provided that the government of a foreign classification society's home country accepts plans, reviews, examinations, inspections, certifications and other related services from the American Bureau of Shipping in a manner equivalent to that which the Coast Guard allows foreign classification societies from that country?

Mr. OBERSTAR. The gentleman has correctly stated the intention of the provision, that the delegation can be made to a foreign classification society if the government of the foreign country in which the foreign society is headquartered delegates the authority to the ABS, or if the Secretary enters into agreement with that foreign government to provide for reciprocal treatment of ABS.

Mr. PETRI. Thank you. And thank you for your leadership on this important matter.

Mr. OBERSTAR. I thank the gentleman for bringing this to our attention and for his advocacy for this issue.

Madam Chair, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER).

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

Mr. RUPPERSBERGER. Chairman OBERSTAR, thank you for your leadership. I strand in strong support of the Coast Guard Authorization bill.

First, I would like to recognize my colleague from Maryland, Chairman CUMMINGS. We have worked together as a team on many issues impacting the Baltimore region and the State of Maryland. He has shown leadership as chairman of the Coast Guard Subcommittee and has done a great deal to support the Coast Guard.

I think it is only fitting that within the space of 2 weeks we are passing the Coast Guard authorization and the FY10 Homeland Security approps bill which funds the Coast Guard. These two bills will allows us to keep the security of our Nation our top priority. Homeland Security is not a Democratic or Republican initiative; it is U.S.A. first.

The Coast Guard is a central part of our Nation's defenses and has been since 1790. Since 9/11, the Coast Guard's mission has greatly expanded. They handle everything from water rescues, to management of our ports, to drug interdictions off our Nation's coasts. In 2008, the Coast Guard set a record for drug interdiction. They confiscated more than 360,000 pounds of cocaine.

I would also like to acknowledge the men and women who work at the Coast Guard Yard at Curtis Bay near the Port of Baltimore. The men and women of this yard do an excellent job maintaining and repairing the entire Coast Guard fleet. We need to ensure they are given the opportunity do the best that they can.

The leadership of Chairman OBERSTAR and Chairman CUMMINGS, along with Ranking Members MICA and LOBIONDO, has given the Coast Guard the resources to do the job that they need to protect our country. Speedy passage of this authorization will help make our country safer, and I urge a favorable vote.

□ 1845

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

I would like to begin by thanking Mr. OBERSTAR, Mr. MICA and Mr. CUMMINGS. I think the model that this subcommittee works with could be an example for the entire Congress, the bipartisan nature in which we proceed. The opinions and ideas of all are respected and acted upon, and that is reflected in H.R. 3619, this Coast Guard Authorization Act.

However, I do have some serious concerns about a few matters—Mr. MICA touched on some of them—in the underlying bill, and some others that are being proposed in the manager's amendment. I hope the chairmen of the committee and the subcommittee will work with Ranking Member MICA and myself to address these concerns, if they are not cleared up today, as we move forward to a conference bill with the Senate.

This bill has been a long time in coming, as has been noted by Mr. MICA and Mr. OBERSTAR and Mr. CUMMINGS. We have worked on many of these provisions starting in the 109th Congress. Over that time, the absence of an authorization bill has had a real and negative impact on the Coast Guard.

Let me just stop for a minute and say I think we should all take a step back and recognize the tremendous job that the men and women of the Coast Guard have been doing, are doing, and will continue to do. They are true unsung heroes. They put themselves in harm's way, whether it is on a drug interdiction mission, whether it is in search and rescue, whether it is maritime

antiterrorism, or in the global war on terrorism, which they have also been involved in.

We owe them a great debt of gratitude. We should continue to recognize the many sacrifices they are making on behalf of our country. I thank Admiral Allen and the leadership team, but especially the men and women of the Coast Guard.

But to carry on with my statement, despite the addition of several new missions and focus areas, the service has been capped at an end-strength number that has not been increased since 2004. The lack of an authorization bill has also prevented the Coast Guard from moving forward with a planned reorganization of its senior staff, from receiving expedited hiring authorities to bolster its acquisition staff—something that is desperately needed in this time when they are replacing assets—and from exercising strengthened authorities to apprehend and prosecute alien smugglers by sea. The smugglers continue to try to improve their methods and the Coast Guard continues to respond. These are vital tools we are giving them with this authorization legislation.

This is an important bill, and I only hope our action this week will provoke an equal and prompt response from our counterparts in the United States Senate. We sometimes joke about it, we sometimes talk about it, but our ability to act on this side on an important measure like this should be followed up with the Senate. This is not the naming of a post office. There are literally lives that can be at stake here, and I hope the counterparts in the Senate will understand the severity of dealing with this in a timely manner.

In addition to authorizing much-needed funding for the Coast Guard in the coming fiscal year, the bill includes several important provisions which will improve the organization and capabilities of the Coast Guard. Under the bill, Coast Guard officers will enjoy improved flexibility to specialize in high-need mission areas without fear that they will be passed over for promotion in the process, something that is not true today.

The bill also includes the Coast Guard's proposed reorganization of its senior command structure, which will improve overall coordination of personnel, resources and capabilities to carry out all of their missions. This is increasingly important because of the needed flexibility of the changing of the mission, of the changing of the threat that the Coast Guard is protecting against, and this will be a vital component that will help them do their job.

H.R. 3619 also includes bipartisan language to overhaul the Coast Guard's acquisition program, something that Chairman OBERSTAR, Chairman CUMMINGS and Ranking Member MICA have worked on very closely, to make sure that we can fine-tune this and make it much better as they recapitalize their major assets through the Deepwater program.

On balance, this is a very good bill, but it does include some provisions that need to be improved prior to enactment or signing by the President.

The bill continues to include language that would place unnecessary barriers in the way of approving and operating facilities that receive important energy and agricultural resources. While I understand this provision will be amended by the manager's amendment, we should look closely at whether the manager's amendment, the language therein, really improves the security, or merely sets up additional regulatory hurdles to the use of domestic energy resources, something that I don't think our country can afford.

I am likewise concerned with the proposal in the manager's amendment which would weaken language which was adopted on a bipartisan basis in the committee to provide protection from liability for vessel owners, operators, captains and crewmembers who take action to defend themselves from a pirate attack.

I want to spend just a couple more minutes talking about this. While I have an amendment on it, I think Mr. OBERSTAR, Mr. MICA and Mr. CUMMINGS were very thorough in helping us work out the language in a bipartisan way to deal with this liability issue with the pirates.

I had an opportunity at the end of August and beginning of September to visit the East Coast of Africa and to visit a Navy SEAL team on the Manda Bay, which is in Kenya, just across from Somalia where the pirates are doing most of their activities.

Our SEAL team is training Kenyans. They are doing a magnificent job, but they pointed out that the threat is very real and the pirates, because of some successes, are expected to pick up their activity. Little did we realize that this activity was going to pick up today.

For those who did not hear my remarks earlier during the debate on the rule, we had two pirate attacks today. One pirate attack took 26 hostages, took them from a Panamanian-flagged cargo vessel, as I understand it, something that gives us all great concern. There was another attack on an Italian ship. Fortunately, there was a Belgian warship that was close enough to be able to get involved and thwart that effort.

An attack on a U.S. flag vessel happened barely 6 months ago. We all watched with great anxiety how our very heroic captain and crew of a U.S.-flagged vessel conducted themselves and the heroics of a Navy SEAL team to save the lives of Americans.

The language that was worked out that was in the underlying bill, before the majority on the Judiciary Committee decided to change this, was something that will work, that will give the protection from liability to our crewmembers that they need.

The language that was put in the manager's amendment by the Judiciary Committee will set up a legal tangle and a horrific situation for a crewmember trying to thwart an attack by pirates who may be firing upon them with automatic weapons or grenade launchers. Whatever the ammunition and firepower they have, this crewmember has to go through a legal tangle in their mind of five, six or seven things to understand what they can and can't do. This is an attack on U.S. interests. So I hope Members pay particular attention to the piracy amendment as we move forward with that.

Lastly, I am concerned with our inability to include language that would establish uniform national standards for vessel discharges, including ballast water. I have spoken on numerous occasions with Mr. OBERSTAR, and I want to take particular note to thank Mr. OBERSTAR once again for his keen interest in solving this problem and bringing so many interested parties to the table. I know that Mr. OBERSTAR shares my concerns and that of many of my colleagues, both on the committee and in Congress, to address this issue through legislation this year. I thank him for his offer to work with us, and I look forward to bringing the bill to the floor in the very near future.

I plan to support the bill, even though I have a few reservations. I think it is a very important piece of legislation that we need to move forward, and I hope we will continue to improve the bill as we move through the process with amendments made in order today and as we move in a conference with the Senate. But I will continue to urge all of my colleagues on both sides of the aisle to support this legislation. It's good for the Coast Guard and it's good for America.

I reserve the balance of my time.

Mr. OBERSTAR. May I inquire of the time remaining on both sides?

The CHAIR. The gentleman from Minnesota has 5¼ minutes remaining; the gentleman from New Jersey has 2½ minutes remaining.

Mr. OBERSTAR. I thank the Chair.

I yield myself 10 seconds to thank the gentleman from New Jersey.

I like the slogan, ''It's good for the Coast Guard and it's good for the country.'' I think that's all we need to say about this bill.

I yield 2 minutes to the distinguished gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. I thank the gentleman.

Mr. Chairman, I rise in support of today's Coast Guard Authorization Act, H.R. 3619. I commend the distinguished chairman and the ranking member for their work on this excellent piece of legislation. The Coast Guard is an integral part of making our country safe. They conduct daily missions to protect our ports, our waterways and the marine transportation system.

I authored a provision included in this bill to require the Coast Guard to step up border-security efforts on the

navigable portions of the Rio Grande, which are international waters. Currently, the Coast Guard is only able to patrol a very small portion of the Rio Grande twice each quarter. This forces local agencies and the U.S. Border Patrol to concentrate the majority of their time and effort on the 1,200 miles of the river banks, instead of the international boundary waters of the Rio Grande.

Along the Rio Grande, the Federal and local officials are being confronted with a multitude of security issues, including border violence, narcotics trafficking, human smuggling, and even diseased bodies floating down the river. By analyzing the current mission and identifying needs and determining how to increase the presence of the Coast Guard in this area, we can help address these local needs and keep our communities safe.

Also there is a piece of clarifying language included in the manager's amendment today that directs the Coast Guard, in conducting the analysis, to work with all necessary and appropriate entities, including Customs and Border Patrol, and local entities with local expertise. Increased cooperation and partnership between local entities and Federal entities will help identify the needs and more efficiently allocate resources. We will continue to fight to protect our communities and enhance security along the border.

Mr. Chairman, I applaud you for the continuing work you have been doing on this important bill, and I urge all my colleagues to vote ''yes.''

Mr. LOBIONDO. Madam Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding.

I rise in support of this bill, the Coast Guard reauthorization for fiscal year 2010. It is a shame that Congress has not been able to pass this reauthorization for the past 3 years, although it is not due to a lack of effort on the part of the House of Representatives.

Although there are many good provisions in this bill worth noting, I would like to talk briefly about a provision that was not included in this year's bill, ballast water management.

As an environmentalist and a protector of our Great Lakes, I believe we must act quickly and properly on ballast water management. Although aquatic invasive species enter into our ecosystems through many different pathways, such as natural migration, attaching themselves to ships and aquaculture, the most common pathway is through ballast water.

Ballast water is pumped onboard a ship to control its stability at sea. Ships often take on ballast water at a foreign port and discharge it at their USA destination port. When a ship pumps harbor water into its ballast tanks, it usually also sucks up aquatic species from that harbor. When those ballast tanks are emptied, those often-dangerous species are introduced into a new ecosystem and they may perpetuate as an invasive species.

Since some ships are capable of holding millions of gallons of ballast water, the potential for spreading invasive species is unavoidable. Once an invasive species takes hold in a new environment, it has the ability to disrupt the balance of an ecosystem and cause significant environmental and economic harm.

The amount of harm caused to this Nation enters the tens of billions of dollars in damage each year. For example, zebra mussels have cost the various entities in the Great Lakes Basin an estimated $5 billion for expenses related to cleaning water-intake pipes, purchasing filtration equipment and so forth. Sea lamprey control measures in the Great Lakes cost approximately $10 million to $15 million annually. On top of these expenses, there is the cost of lost fisheries due to these invaders.

For these reasons, combating aquatic invasive species is a central element of the Great Lakes Regional Collaboration strategy and the Great Lakes Restoration Initiative to protect and restore the Great Lakes.

Last year, I worked closely with Chairman OBERSTAR to include a title on Ballast Water Management in the Coast Guard bill, which would have created a uniform national standard for ballast water treatment. The goal was to have no living organisms in ballast water discharged by ships after 2013.

Although I would have liked this bill to once again include a provision on ballast water management, I am cognizant that this provision may be one of the reasons this bill has been held up in the Senate. However, I believe Congress must act, and that there must be a uniform national standard. A patchwork of different State laws is untenable, especially in the Great Lakes where a ship may visit numerous ports in numerous different States, not to mention Canada.

Therefore, I look forward to working with the Chairman to address ballast water management in another bill very soon. By spending millions of dollars preventing aquatic invasive species from entering our waters now, we can avoid spending billions of dollars trying to control and manage them once they are here. The adage, ''an ounce of prevention is worth a pound of cure'' may have never been more appropriate.

Mr. OBERSTAR. Madam Chairman, we have only one speaker left, which is myself. Does the gentleman from New Jersey have any time remaining?

The CHAIR. The gentleman from New Jersey has 30 seconds remaining.

Mr. LOBIONDO. Madam Chairman, once again I would like to thank Chairman OBERSTAR, Chairman CUMMINGS, Ranking Member MICA and our colleagues who have worked so hard on this. I want to reiterate how important this is for the men and women of the Coast Guard, who are putting their lives on the line every day for us, and to repeat what I said earlier, where I believe that this is one of those rare situations where we find a double win: It is very good for the Coast Guard, and it is very good for the United States of America.

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

I want to assure the gentleman from New Jersey and the gentleman from Michigan that the issue of ballast water will be dealt with. We are proceeding already. We have had staff-level discussions with both the Coast Guard Subcommittee staff and the Water Resources staff on the Committee on Transportation and Infrastructure, Madam Chairman.

□ 1900

And I believe we can reach an agreement on setting a strong national standard and language that will establish that standard to override States' individual standards, as we have discussed in our several meetings, and I'm hopeful that we'll be able to do that within the month and bring that bill through committee to the floor on suspension if the product is acceptable on both sides of the aisle, and I'm confident we'll get there.

I'd consume the balance of my time to emphasize just a couple of points. One, which the gentleman from Maryland has already addressed, the Chair of the Subcommittee on Coast Guard, and that is diversity in the Coast Guard. It was a shock to me to see the appallingly low level of minority participation in the Coast Guard Academy and at the officer level within the Coast Guard.

I visited the Coast Guard Academy. I had lunch with the Commandant and with the head of the academic program and with a very, very astute, learned, talented young woman, African American cadet. But she was also not only distinguished by her caliber of academic performance and Coast Guard career performance, but she was practically the only one. And we have to change that. And we have included language inspired by Mr. CUMMINGS to give Members of Congress the same authority in nominating candidates for the Coast Guard as we do for the other service academies. I think that will make a major step toward diversifying the Coast Guard and reflecting America in all of its variations.

We also reorganize the senior leadership and overall structure of the Coast Guard. We spent a great deal of time in negotiations with the Commandant. I admire Commandant Allen. He's done a superb job for the Coast Guard. He resurrected FEMA during Katrina and put that agency back on a stable footing, and he, too, wants to restructure the Coast Guard.

The CHAIR. The time of the gentleman has expired.

Mr. OBERSTAR. Madam Chairman, I will include in the RECORD the balance of my remarks.

Madam Chairman, I rise today in strong support of H.R. 3619, the ''Coast Guard Authorization Act of 2010''. This is the annual authorization for the Coast Guard and is largely based on H.R. 2830, which passed the House on April 24, 2008. Unfortunately, the budget

for the Coast Guard was last authorized in 2006. It is time for us to work together to ensure this Service gets what it needs to serve the American people.

I applaud Subcommittee on Coast Guard and Maritime Chairman CUMMINGS for his extensive oversight and support of the Coast Guard. Through his leadership, H.R. 3619 is a comprehensive bill that will enable the Coast Guard to carry out the Service's many missions with additional funding, new resources, and increased training standards. In addition, the safety provisions included in H.R. 3619 will reduce marine casualties and loss of life.

H.R. 3619 authorizes $10 billion for the Coast Guard for fiscal year 2010 and increases the Service's total end strength by an additional 1,500 service members to a total of 47,000 personnel.

H.R. 3619 also authorizes $153 million for the design and construction of a new replacement icebreaker for the Great Lakes. Last year, U.S.-flagged ships operating on the Great Lakes sustained $1.3 million in damages to their hulls due to the Coast Guard's decreased ice breaking capabilities. Five of the Service's Great Lakes ice breakers are nearing the end of their service life.

H.R. 3619 responds directly to the many shortcomings in Coast Guard acquisition efforts, developed over the last couple of years. It also requires the Coast Guard to develop life-cycle cost estimates for assets that are expected to cost more than $10 million and to have a service life of at least 10 years. It prohibits contractor self-certification and requires the appointment of a Chief Acquisition Officer who is a qualified acquisition professional.

In 2007, the Subcommittee on Coast Guard and Maritime held a hearing on Mariner Education and Workforce. Industry personnel expressed concern that, as the nation's volume of imports and exports increase over the next 10 years, there will be a shortage of qualified and experienced personnel. H.R. 3619 authorizes $10 million for the Secretary of Transportation to establish a maritime career recruitment, training and loan program to ensure a robust labor pool in the maritime industry.

H.R. 3619 also authorizes the Coast Guard to implement a reorganization of its senior leadership and overall structure. The Vice Commandant is promoted to full Admiral, and the Coast Guard's previous Atlantic and Pacific Area Commanders and Chief of Staff positions are eliminated. These positions will be replaced with four three-star positions, including: the Deputy Commandant for Mission Support; Deputy Commandant for Operations; Commander of Force Readiness Command; and Commander of Operations.

In August 2007, the Subcommittee held a hearing on the challenges facing the Coast Guard's marine safety program. H.R. 3619 will alleviate the concerns of industry and Congress that the Coast Guard's marine inspectors have diminished technical expertise and that the Coast Guard has overall lost its focus on marine safety in response to its increased security responsibilities since September 11, 2001. H.R. 3619 establishes marine safety as a core mission of the Coast Guard. It sets minimum qualifications and training standards for personnel within the marine safety workforce to ensure that marine inspectors are technical experts, and have an established career path to succeed in the Coast Guard.

Commercial fishing has a high rate of injuries and death, and is noted as one of the most dangerous jobs in the United States. From 1994 to 2004, more than 641 fishermen lost their lives and approximately 1,400 fishing vessels were lost. H.R. 3619 requires training for fishing vessel operators, and enhances and clarifies the equipment requirements for these commercial fishing vessels.

H.R. 3619 also enhances the safety and security of cruise vessel passengers. Currently, there are no Federal statutes that explicitly require foreign-flagged cruise vessels to report alleged crimes to U.S. government officials, with the exception of foreign-flagged vessels operating in areas subject to the direct jurisdiction of the United States. For cruise vessels to which H.R. 3619 applies, owners will be required to keep a log book of certain crimes and theft of property valuing more than $1000, and will have to make that information readily accessible to law enforcement personnel. Owners will be required to modify the design and construction standards of applicable cruise vessels to increase the length of their railings to help prevent passengers from falling overboard. Also, vessel owners will be required to provide appropriate medical treatment to the victims of sexual assaults.

I urge my colleagues to join me in supporting H.R. 3619.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, October 20, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing you regarding H.R.3619, the ''Coast Guard Authorization Act of 2010,'' introduced on September 22, 2009. This legislation was initially referred to the Committee on Transportation and Infrastructure and sequentially referred to the Committee on Homeland Security on October 16, 2009.

In the interest of permitting this important legislation to proceed expeditiously to floor consideration, I have waived further consideration of H.R. 3619. I have done so with the understanding that waiving consideration of the 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 placed in the Congressional Record during floor consideration of this bill.

I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, October 20, 2009.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, Ford House Office Building, Washington, DC.

DEAR CHAIRMAN THOMPSON: I write to you regarding H.R. 3619, the ''Coast Guard Authorization Act of 2010''.

I agree that provisions in H.R. 3619 are of jurisdictional interest to the Committee on Homeland Security. I acknowledge that by forgoing further consideration, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Homeland Security has jurisdiction in H.R. 3619.

This exchange of letters will be inserted in 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.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 16, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Armed Services, 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. 3619, the Coast Guard Authorization Act of 2010, that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to agree to waive seeking a formal referral of the bill, in order that it may proceed without delay to the House floor for consideration.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 3619 at this time, it does 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 moves forward, so that we may address any remaining issues on matter in our jurisdiction. The 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 your committee report, or in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to our requests, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, JR.,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, October 19, 2009.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN CONYERS: I write to you regarding H.R. 3619, the ''Coast Guard Authorization Act of 2010''.

I agree that provisions in H.R. 3619 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 and 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. 3619.

This exchange of letters will be inserted in 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, M.C.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 21, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building.

DEAR CHAIRMAN OBERSTAR: I am writing to confirm our understanding regarding H.R. 3619, the ''Coast Guard Authorization Act of 2010.'' The Committee on Energy and Commerce has jurisdictional interest in provisions of the bill. I am pleased that consultation between the Transportation and Infrastructure Committee and the Committee on Energy and Commerce has led to resolution of issues relating to language in these provisions.

In light of the interest in moving this bill forward promptly, I do not intend to exercise the jurisdiction of the Committee on Energy and Commerce by seeking sequential referral of H.R. 3619. I do this, however, with the understanding that forgoing consideration of H.R. 3619 at this time will not be construed as prejudicing this Committee's jurisdictional interests and prerogatives on the subject matter contained in this or similar legislation. In addition, we reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference named to consider such provisions.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your cooperation on this matter.

Sincerely,

HENRY A. WAXMAN.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, October 21, 2009.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN WAXMAN: I write to you regarding H.R. 3619, the ''Coast Guard Authorization Act of 2010''.

I agree that provisions in H.R. 3619 are of jurisdictional interest to the Committee on Energy and Commerce. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Energy and Commerce has jurisdiction in H.R. 3619.

This exchange of letters will be inserted in 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. THOMPSON of Mississippi. Madam Chairman, I yield myself as much time as I may consume.

Madam Chairman, I rise in strong support of H.R. 3619, a bill to authorize the activities of the United States Coast Guard. The legislation before us today builds on H.R. 2830, the Coast Guard authorization bill that the House approved by a vote of 395–7 last Congress. Like that bill, H.R. 3619 provides long overdue resources to an agency that has been underfunded for many years.

Specifically, H.R. 3619 authorizes approximately $10 billion for FY 2010 to ensure that the Coast Guard has the resources it needs to live up to its motto, ''Always Ready.'' Not only does it provide $2 billion to the Coast Guard to secure our Nation's maritime environment in this post-9/11 world, H.R. 3619 strengthens our Nation's port and maritime security by authorizing 1,500 additional servicemembers, more Maritime Security Response Teams, an expansion of canine detection teams, a maritime biometric verification system for individuals interdicted at sea, the Coast Guard Port Assistance Program, and a public awareness program for recreational boaters to report suspicious activities on the water.

With the addition of the Oberstar amendment, this bill also makes a few refinements to the TWIC program. This program is called the Transportation Worker Improvement Card, Madam Chairman, and in so many instances, as we found out, people are still waiting for their TWIC card.

H.R. 3619 also requires the Coast Guard to lead the efforts to enforce security zones around vessels carrying certain dangerous cargos, such as liquefied natural gas. The bill takes a risk-based approach to ensure that limited resources are utilized appropriately. It also requires that necessary training be provided to any State and local entity that partners with the Coast Guard to protect a security zone.

There's a lot in this bill, in addition to provisions in the port security realm. This measure also brings new transparency and accountability standards for the Coast Guard's contracting with the private sector. It reforms the 25-year, $24 billion Deepwater acquisition program. It also enhances security on cruise ships, provides a new process for Members of Congress to nominate candidates to the Coast Guard Academy, and creates a new Minority Service Institution Management Internship program.

In closing, Madam Chairman, I'd like to thank Chairman OBERSTAR and Chairman CUMMINGS for their efforts to bring this bill to the floor. I'd also like to express my appreciation to Ranking Member KING and his staff for working so cooperatively to move this bill expeditiously. I can only hope that we will see a similar commitment from the Senate colleagues. We need to get a final bill to the President for his signature as soon as possible.

I urge passage of this important legislation.

Mr. OBERSTAR. Will the gentleman yield?

Mr. THOMPSON of Mississippi. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I ran out of time under our allocation to express my great appreciation to the chairman for the splendid cooperation we've had, one-on-one and staff-to-staff, in fashioning those portions of the bill that come under the jurisdiction of the Homeland Security Committee. It's been a pleasure working with the chairman and his staff and to get this language fashioned, and appreciate the splendid cooperation that we've had. I thank the gentleman.

Mr. THOMPSON of Mississippi. Madam Chairman, I reserve the balance of my time.

Mr. SOUDER. Madam Chairman, I yield myself such time as I may consume.

And while I have a general interest in this entire bill from the icebreakers for the Great Lakes to ballast water to the years that I've worked with Mr. CUMMINGS on narcotics issues, in particular, I am here tonight to address the homeland security portions of this bill. And first let me say that I also appreciate the strong bipartisan support within the Committee on Homeland Security that we traditionally enjoy when considering this very important legislation.

The bill before us proposes to authorize the activities of the United States Coast Guard for the fiscal year 2010. It increases the authorized force levels by 1,500 members and provides $10 billion to execute the Coast Guard's many missions. Its consideration is long overdue, and as we've been saying over and over, it's about time the Senate followed along. The last time the Coast Guard had an authorization bill signed into law was 2006, and I'm very pleased that we can bring another authorization bill for the Coast Guard today. And I join, again, my colleagues in voicing my support for its timely consideration in the Senate.

In the immediate aftermath of September 11, Coast Guard forces around New York and New Jersey surged to ensure the safe evacuation of half a million people from Lower Manhattan. Coast Guard forces around the world changed their posture as they were given orders to set DEFCON III. Coast Guard cutters on-loaded their military complement of weapons and ammunition, and captains of the port around the country restricted or completely shut down vessel movements.

In 2002, with the passage of the Homeland Security Act, the Coast Guard's missions were placed into categories—safety and security. The Congress specifically identified port security, drug interdiction, and defense readiness as key homeland security missions. However, while much of the Coast Guard's funding increases over the past 8 years have gone toward these homeland security missions, I would argue that these missions were seriously underfunded prior to 9/11. In fact, prior to 9/11, the Coast Guard only expended about 2 percent of its available resources on its port security missions.

To those who argue the Coast Guard has moved too far from its safety and regulatory missions, one need only revisit the agency's response to Hurricane Katrina. Following the landfall of Hurricane Katrina, pre-positioned Coast Guard forces moved in quickly to

answer tens of thousands of desperate calls for help. In fact, according to the Government Accountability Office, the Coast Guard participated in the rescue of over half of the estimated 60,000 left stranded by Hurricane Katrina. The agency itself was described as the ''silver lining'' in the storm that was the Federal response to Katrina. Now-Commandant Allen received many accolades for his efforts to improve and coordinate the Federal response in the aftermath.

I would like to state for the record that the Committee on Homeland Security should have held a markup on this legislation. By going through regular order in the committee, we could have added even more to this bill. That being said, I appreciate that Chairman THOMPSON, Ranking Member KING, Chairman OBERSTAR, and Ranking Member MICA, as well as the Subcommittee Chairmen CUMMINGS and LOBIONDO, for working with us to address some concerns in the manager's amendment and in the underlying port security title.

The port security title, as amended, would—and I want to again thank Ranking Member KING for his leadership—would, one, create a public awareness campaign to ensure suspicious activities on or near the water are reported to authorities. This is very critical. The Great Lakes area, all coastal areas, all border areas, having cooperation is absolutely essential because we simply do not have enough Coast Guard vessels. If commercial or recreational boaters see something, they should say something, and they need a way to report it.

Provide the Coast Guard a second elite counterterrorism Maritime Security Response Team to ensure nationwide coverage is available to address the most severe maritime threats.

Address several shortcomings of the Transportation Worker Identification Credential program, including clarifying that TWIC cards are only required by licensed mariners who access secure areas of facilities and vessels.

Expand the Coast Guard's successful biometrics at sea program. I'd like to thank my friend from Florida (Mr. BILIRAKIS) for his steadfast support of this program.

The Committee on Homeland Security has taken great efforts to ensure that the Coast Guard executes its security missions by allocating its limited resources based on risk. One of the more significant changes in the manager's amendment addresses the importance of risk-based methodology for security of all vessels caring dangerous cargos and does not limit itself only to liquefied natural gas tankers.

In 2008, the Coast Guard identified over 12,500 shipments of dangerous cargo. However, because of very limited resources, Federal, State, and local law enforcement was only able to escort about 7 percent of these shipments.

In the short-term, the bill, as amended, would require the Coast Guard to guard those shipments that pose the greatest risk, with available Federal, State, and local resources. It will also require the Coast Guard to ensure all of its partners have the necessary training, equipment, and resources for that security mission.

While I think that this is a good bill with bipartisan support, I do have some concerns about issues not addressed in the bill, and I hope that the Committee on Homeland Security will take up in this Congress a number of these.

First, it is essential that the Coast Guard maintain a strong focus on counternarcotics. We need to have serious discussions about how to ensure greater coverage in the Pacific, including the need for oiler support. As the drug runners go farther out to sea, as they move terrorists and questionable people in those areas, we have to have the ability to go out and get them, and that means refueling capability; and how to better address the semisubmersible smuggling trend, that is, the minisubmarines that are increasingly bringing in huge loads of cocaine and, really, any contraband, could move chemical and biological weapons in through this procedure.

Additionally, we cannot ignore security in the Arctic region and what role the Coast Guard is playing and should be playing in that arena, where right now the Russians are dominating.

Thank you, Mr. Chairman, again for your bipartisan work on this bill. I look forward to working with you in the future on these important issues.

I reserve the balance of my time.

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Mr. THOMPSON of Mississippi. Madam Chair, how much time do I have?

The CHAIR. The gentleman from Mississippi has 6 minutes remaining.

Mr. THOMPSON of Mississippi. Madam Chair, I yield 3 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Thank you, Mr. Chairman.

As the Homeland Security Subcommittee chairwoman with jurisdiction over maritime issues, I come to the floor in support of the Coast Guard Authorization Act of 2010. I want to thank both the chairman of Transportation and the chairman of Homeland Security for putting together this bill, and, of course, to the ranking members and the rest of the committee members.

Specifically, I am pleased that two provisions that I championed were included in this bill and the manager's amendment.

First, the legislation and manager's amendment will ensure that the Coast Guard adheres to sexual assault reporting standards, policies, and procedures that are consistent with our other services, and I am pleased that these reports will be made available to all of the committees of jurisdiction.

Sexual assault among our Nation's servicemembers is an extremely troubling problem, and I believe that the accurate reporting of these assaults, comprehensive policies and procedures for responding to these crimes are a critical part of addressing this problem.

And the second provision that I referred to will amend the port security title of the bill to make much-needed changes to the Transportation Worker Identification Credentialing program, or the TWIC card. I submitted an amendment to the Rules Committee on this topic, and I am glad that the chairman accepted it and put it in his manager's amendment. Thank you so much.

My provision does several things. It directs the Secretary to develop procedures with port owners and operators that will allow individuals who are in the process of getting their TWIC, but yet haven't received the card, access to secure and restricted areas as long as they are escorted. This will assist the many workers at our ports who are still unable to work, and many of them have been waiting to get that TWIC card, so it's important for them.

The provision also sets a 30-day limit for a time limit for processing the TWIC card application, and again, this is because it has taken so long when someone has applied to actually receive that card. In one case, one gentleman waited over a year to receive the card. It directs the Secretary to allow individuals to receive their TWIC card through the mail, sort of like we receive our reestablishment of our credit card rather than having to drive all the way back to the application center because for some people it could be 300 or 400 miles away. So why make a couple of trips when it could be sent through the mail and activated through the phone.

And, finally, the provision gives individuals greater access to TWIC enrollment by allowing them to submit their fingerprints to any Department of Homeland Security agency at any location rather than, again, having to go back to the enrollment center. This provision will help many individuals get back to work while protecting the security of our Nation's ports.

I thank the chairmen, both of you, for the time, and I ask my colleagues to support this important legislation.

Mr. SOUDER. May I inquire how much time each side has.

The CHAIR. The gentleman from Indiana has 3½ minutes remaining. The gentleman from Mississippi has 3 minutes remaining.

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

Once again, I want to thank the chairman of the Transportation Committee and Subcommittee and Chairman THOMPSON from our committee on behalf of Ranking Member KING and the full Homeland Security Committee for the bipartisan leadership and the many things that we can work together on.

In our Subcommittee on Border and Port Security and Terrorism, the Coast

Guard is absolutely a key and integral part of that. The Homeland Security Committee needs to be engaged in this process as we work this through.

As you've heard from Congressman CUELLAR, who is also on our subcommittee, you think of the coast as the east and west coast or the Gulf of Mexico, but in fact the Rio Grande River, the Great Lakes, the Saint Lawrence Seaway, other rivers, the boundary waters area in northern Minnesota that Chairman OBERSTAR represents. A big percentage of our so-called land borders are actually water borders and trying to figure out proper training, how to handle the water, how we work with the air and marine divisions of CBP and integrate with the Coast Guard is critical to our borders. Obviously, port security comes under the Coast Guard. They're integrated in the State and local. They have amazing facilities.

We need to make sure, as this bill addresses, that the training is there but the resources are there and that we have these specialized teams. I think this bill goes a long way towards this, and we need to have the Senate take it up and pass it as well. But we need to stay ever vigilant because the Coast Guard is a key part of FEMA, it's a key part of fisheries, it's a key part of trying to protect our waters as well as trying to rescue people who fall into various places and save their lives. They are multi-task.

But a critical part of that is a homeland security mission, and I appreciate that we are able to work together in a bipartisan way on this bill.

I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Madam Chair, I yield myself as much time as I may consume.

Madam Chair, as the motto states, the brave men and women of the United States Coast Guard are always ready to safeguard the Nation in our ports, at sea and around the world. I am confident that this bill before the House today will assist the Coast Guard just as they assist American people every day. I urge my colleagues to give H.R. 3619 their strong support.

Mr. INSLEE. Madam Chair, every year, 15 billion gallons of oil are transported through the Puget Sound and the Pacific Northwest waterways. Even a minor tanker spill could release enough oil to devastate our fragile and unique marine ecosystems of Puget Sound. In Washington State, we have been able to successfully keep our shores free from major oil spills by using tug boat escorts for laden tanker transit. The escorts reduce the risk of potentially disastrous oil spills by being ready and able to assist a tanker in a crisis or to begin the cleanup if the worst should happen. Puget Sound is also vulnerable to spills that happen in waters north of the border. Currently, Canada does not mandate tug escorts and the U.S. Coast Guard does not enforce escort requirements for ships entering U.S. waters from Canada. We share these waterways with our Canadian neighbors and I encourage working cooperatively to develop comprehensive rules to require tug escorts for laden tanker ships to protect both sides of our national borders from oil spills.

Puget Sound is a delicate and vast coastal ecosystem that is home to iconic species such as salmon, orca whales, western grebe, and rockfish. For centuries, coastal and regional communities have been dependent on the health of the Puget Sound for cultural, economic, and recreational uses. A major oil spill could disrupt Washington's environment, economy and coastal communities' way of life by severely damaging our ecosystem, shellfish and fishing industry, tribal communities, tourism and recreation.

I have seen the impacts on oil spills in Puget Sound first hand. During a recent incident in 2003, nearly 4,800 gallons of oil spilled into the Puget Sound near Point Wells, just north of Seattle and spread across the Sound to the shores of Kitsap County. The oil contaminated clams and crabs and polluted the sand and marsh grass.

Washington State has worked hard to protect our pristine marine waters and shorelines from oil spills and it is my hope that the U.S. Coast Guard, Canada and Washington State will work together to further protect these vital and important international waterways.

Therefore, I authored an amendment, which was accepted in the Manager's amendment, to encourage these negotiations. I thank Chairman OBERSTAR for his support and hope that we can continue to work together to protect Puget Sound.

Unfortunately, due to a matter in Washington state, I will be absent during the vote on both the rule and final passage of this bill. Had I been present, I would have supported the rule and the Coast Guard Authorization Act of 2010.

Mr. VAN HOLLEN. Madam Chair, I rise in support of the 2010 Coast Guard Authorization Act. This bill promotes the transportation safety, natural resources, and national security objectives of the country.

The bill authorizes $10 billion for domestic and international Coast Guard operations and maintenance, search and rescue, workforce development and port, waterways and coastal safety programs. The bill will also help save money for U.S. taxpayers by requiring the Coast Guard to establish for the first time an acquisition policy based on a statement of need, an analysis of alternatives and an estimation of life-cycle costs.

The U.S. Coast Guard plays a vital role in the national security infrastructure of the country. In times of war, it falls under the command of the Navy. Among its current international missions are counter-piracy operations off the coast of Somalia. Because it is a major element of our national security efforts, it is key that Congress act on its reauthorization. Congress has not reauthorized the U.S. Coast Guard since 2006. I encourage my colleagues to join me in support of the 2010 Coast Guard Authorization Act. And I encourage my Senate colleagues to do the same.

Mr. GENE GREEN of Texas. Madam Chair, I rise in strong support of this bill and urge my colleagues to join me in supporting it.

The 29th District of Texas that I represent encompasses the Port of Houston—the largest port in the country per foreign tonnage. It drives economic activity in the region, and is home to one of the largest petro-chemical complexes in the world.

Because of this, security on the waterway is critical, and the Coast Guard has been exceptional in providing that security.

Last month a 458-foot motor vessel Chemical Supplier collided with a barge near Brady's Island, close to the Interstate 610 bridge. The Unified Command, led by the Coast Guard responded mitigating the oil spill, preventing further damage and minimizing disruption, and traffic was moving on the waterway again within three days.

Again, yesterday, a tanker ship collided with a supply vessel offshore Texas, about 40 miles southeast of Galveston, spilling 18,000 gallons of fuel oil into the Gulf of Mexico. The Coast Guard responded, contained the spill, and began cleanup later in the day with a DC–3 airplane dropping dispersants on the spill.

This bill is a strong bill, that provides the Coast Guard with the resources they need to meet the security and environmental demands they are tasked with.

The measure authorizes programs of the Coast Guard in FY 2010, and makes a number of changes dealing with acquisition systems, including the troubled Deepwater program to replace aging equipment, as well as changes to the leadership structure and career development. It requires the Coast Guard to set new regulations on marine and fishing safety, establishes marine safety as a Coast Guard function, and guarantees mariners the right of self-defense if under attack. The measure also increases penalties for knowingly bringing illegal aliens into the United States, and creates new penalties for ships under U.S. jurisdiction that do not comply.

As amended this bill will clarify existing law to ensure that the U.S. Coast Guard can continue to delegate the review and inspection of offshore facilities to the American Bureau of Shipping. Since the Merchant Marine Act of 1920, the United States Government has partnered with the Bureau to enhance safety and protect the environment. This partnership has been inadvertently jeopardized by a recent unrelated court case. Passage of the bill will continue today's high levels of offshore safety, ensure offshore projects are not delayed, and protect the jobs of hard working Americans.

Madam Chair, I again thank the Committee for their work on this bill and strongly urge my colleagues to join me in supporting it.

Mr. THOMPSON of Mississippi. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure, printed in the bill, is considered as adopted. The bill, as amended, is considered as an original bill for the purpose of amendment and is considered read.

The text of the bill, as amended, is as follows:

H.R. 3619

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

SECTION 1. SHORT TITLE.

(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.

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. Emergency 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. Laser Training System.
Sec. 214. Coast Guard vessels and aircraft.
Sec. 215. Coast Guard District Ombudsmen.
Sec. 216. Coast Guard commissioned officers: compulsory retirement.
Sec. 217. Enforcement of coastwise trade laws.
Sec. 218. Academy nominations.
Sec. 219. Report on sexual assaults in the Coast Guard.
Sec. 220. Home port of Coast Guard vessels in Guam.
Sec. 221. Minority serving institutions.

TITLE III—SHIPPING AND NAVIGATION

Sec. 301. Goods and services.
Sec. 302. Seaward extension of anchorage grounds jurisdiction.
Sec. 303. Maritime Drug Law Enforcement Act amendment-simple possession.
Sec. 304. Technical amendments to tonnage measurement law.
Sec. 305. Adjustment of liability limits for natural gas deepwater ports.
Sec. 306. Period of limitations for claims against Oil Spill Liability Trust Fund.
Sec. 307. Merchant mariner document standards.
Sec. 308. Report on Coast Guard determinations.
Sec. 309. Ship emission reduction technology demonstration project.
Sec. 310. Phaseout of vessels supporting oil and gas development.
Sec. 311. Arctic marine shipping assessment implementation.
Sec. 312. Supplemental positioning system.
Sec. 313. Dual escort vessels for double hulled tankers in Prince William Sound, Alaska.

TITLE IV—GREAT LAKES ICEBREAKER

Sec. 401. Short title.
Sec. 402. Findings.
Sec. 403. Authorization of appropriations.

TITLE V—ACQUISITION REFORM

Sec. 501. Short title.
Sec. 502. Definitions.

Subtitle A—Restrictions on the Use of Lead Systems Integrators

Sec. 511. Procurement structure.

Subtitle B—Coast Guard Acquisition Policy

Sec. 521. Operational requirements.
Sec. 522. Required contract terms.
Sec. 523. Life-cycle cost estimates.
Sec. 524. Test and evaluation.
Sec. 525. Capability standards.
Sec. 526. Acquisition program reports.
Sec. 527. Undefinitized contractual actions.
Sec. 528. Guidance on excessive pass-through charges.
Sec. 529. Acquisition of major capabilities: Alternatives analysis.
Sec. 530. Cost overruns and delays.
Sec. 531. Report on former Coast Guard officials employed by contractors to the agency.
Sec. 532. Department of Defense consultation.

Subtitle C—Coast Guard Personnel

Sec. 541. Chief Acquisition Officer.
Sec. 542. Improvements in Coast Guard acquisition management.
Sec. 543. Recognition of Coast Guard personnel for excellence in acquisition.
Sec. 544. Coast Guard acquisition workforce expedited hiring authority.

TITLE VI—MARITIME WORKFORCE DEVELOPMENT

Sec. 601. Short title.
Sec. 602. Maritime education loan program.

TITLE VII—COAST GUARD MODERNIZATION

Sec. 701. Short title.

Subtitle A—Coast Guard Leadership

Sec. 711. Admirals and Vice Admirals.

Subtitle B—Marine Safety Administration

Sec. 721. Marine safety.
Sec. 722. Marine safety staff.
Sec. 723. Marine safety mission priorities and long-term goals.
Sec. 724. Powers and duties.
Sec. 725. Appeals and waivers.
Sec. 726. Coast Guard Academy.
Sec. 727. Report regarding civilian marine inspectors.

TITLE VIII—MARINE SAFETY

Sec. 801. Short title.
Sec. 802. Vessel size limits.
Sec. 803. Cold weather survival training.
Sec. 804. Fishing vessel safety.
Sec. 805. Mariner records.
Sec. 806. Deletion of exemption of license requirement for operators of certain towing vessels.
Sec. 807. Log books.
Sec. 808. Safe operations and equipment standards.
Sec. 809. Approval of survival craft.
Sec. 810. Safety management.
Sec. 811. Protection against discrimination.
Sec. 812. Oil fuel tank protection.
Sec. 813. Oaths.
Sec. 814. Duration of credentials.
Sec. 815. Fingerprinting.
Sec. 816. Authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents.
Sec. 817. Merchant mariner documentation.
Sec. 818. Merchant mariner assistance report.
Sec. 819. Offshore supply vessels.
Sec. 820. Associated equipment.
Sec. 821. Lifesaving devices on uninspected vessels.
Sec. 822. Study of blended fuels in marine application.
Sec. 823. Renewal of advisory committees.

TITLE IX—CRUISE VESSEL SAFETY

Sec. 901. Short title.
Sec. 902. Findings.
Sec. 903. Cruise vessel security and safety requirements.
Sec. 904. Study and report on the security needs of passenger vessels.

TITLE X—UNITED STATES MARINER PROTECTION

Sec. 1001. Short title.
Sec. 1002. Use force against piracy.
Sec. 1003. Agreements.

TITLE XI—PORT SECURITY

Sec. 1101. Maritime homeland security public awareness program.
Sec. 1102. Transportation Worker Identification Credential.
Sec. 1103. Review of interagency operational centers.
Sec. 1104. Maritime security response teams.
Sec. 1105. Coast Guard detection canine team program expansion.
Sec. 1106. Coast Guard port assistance program.
Sec. 1107. Maritime biometric identification.
Sec. 1108. Review of potential threats.
Sec. 1109. Port security pilot.
Sec. 1110. Seasonal workers.
Sec. 1111. Comparative risk assessment of vessel-based and facility-based liquefied natural gas regasification processes.
Sec. 1112. Pilot Program for fingerprinting of maritime workers.
Sec. 1113. Transportation security cards on vessels.
Sec. 1114. International labor study.
Sec. 1115. Maritime Security Advisory Committees.
Sec. 1116. Seamen's shoreside access.
Sec. 1117. Waterside security around especially hazardous material terminals and tankers.
Sec. 1118. Review of Liquefied Natural Gas Facilities.
Sec. 1119. Use of secondary authentication for transportation security cards.
Sec. 1120. Report on State and local law enforcement augmentation of Coast Guard resources with respect to security zones and United States ports.
Sec. 1121. Assessment of transportation security card enrollment sites.

TITLE XII—ALIEN SMUGGLING

Sec. 1201. Short title.
Sec. 1202. Findings.
Sec. 1203. Checks against terrorist watchlist.
Sec. 1204. Strengthening prosecution and punishment of alien smugglers.
Sec. 1205. Maritime law enforcement.
Sec. 1206. Amendment to the sentencing guidelines.

TITLE XIII—MISCELLANEOUS PROVISIONS

Sec. 1301. Certificate of documentation for GALLANT LADY.
Sec. 1302. Waivers.
Sec. 1303. Great Lakes Maritime Research Institute.
Sec. 1304. Conveyance of Coast Guard Boat House, Nantucket, Massachusetts.
Sec. 1305. Crew wages on passenger vessels.
Sec. 1306. Technical corrections.
Sec. 1307. Conveyance of decommissioned Coast Guard Cutter STORIS.
Sec. 1308. Conveyance of Coast Guard HU–25 Falcon Jet aircraft.
Sec. 1309. Decommissioned Coast Guard vessels for Haiti.
Sec. 1310. Phaseout of vessels supporting oil and gas development.
Sec. 1311. Vessel traffic risk assessment.
Sec. 1312. Study of relocation of Coast Guard Sector Buffalo facilities.
Sec. 1313. Conveyance of Coast Guard vessels to Mississippi.
Sec. 1314. Coast Guard assets for United States Virgin Islands.
Sec. 1315. Officer requirements for distant water tuna vessels.
Sec. 1316. Assessment of needs for additional Coast Guard presence in high latitude regions.
Sec. 1317. Study of regional response vessel and salvage capability for Olympic Peninsula coast, Washington.
Sec. 1318. Study of bridges over navigable waters.
Sec. 1319. Limitation on jurisdiction of States to tax certain seamen.
Sec. 1320. Decommissioned Coast Guard vessels for Bermuda.
Sec. 1321. Conveyance of Coast Guard vessels to Nassau County, New York.
Sec. 1322. Newtown Creek, New York City, New York.
Sec. 1323. Land conveyance, Coast Guard property in Marquette County, Michigan, to the City of Marquette, Michigan.
Sec. 1324. Mission requirement analysis for navigable portions of the Rio Grande River, Texas, international water boundary.

Sec. 1325. Conveyance of Coast Guard property in Cheboygan, Michigan.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2010 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, $6,838,291,000, of which—

(A) $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));

(B) $1,110,923,000 shall be available only for paying for search and rescue programs;

(C) $802,423,000 shall be available only for paying for marine safety programs; and

(D) $2,274,312,000 shall be available only for paying for ports, waterways, and coastal security.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,597,580,000, 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) $1,194,780,000 is authorized for the Integrated Deepwater System Program; and

(C) $45,000,000 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, $29,745,000, 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, $1,361,245,000, 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), $13,198,000, to remain available until expended.

(7) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services, $133,632,000.

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, 2010.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2010, 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.''.

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 6,700; 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, classification, and port state or flag state law enforcement or oversight.''.

SEC. 207. EMERGENCY 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

''With regard to a member of the Coast Guard who serves on active duty, a duty assignment 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.) shall be treated, for the purpose of section 701(f)(2) of title 10, a duty assignment in support of a contingency operation.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 425 the following new item:

''426. Emergency leave retention authority.''.

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.—The first section added to title 46, United States Code, by the amendment made by subsection (a) of section 801 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1078), and the item relating to such first section enacted by the amendment made by subsection (b) of such section 801, 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 merchant mariner credentials;

''(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 three years, except that, of the members first appointed, three members shall be appointed for a term of two years and three members shall be appointed for a term of one year.

''(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 existing text;

(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. LASER TRAINING SYSTEM.

(a) IN GENERAL.—Within one year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard shall test an integrated laser engagement system for the training of members of the Coast Guard assigned to small vessels in the use of individual weapons and machine guns on those vessels. The test shall be conducted on vessels on the Great Lakes using similar laser equipment used by other Federal agencies. However, that equipment shall be adapted for use in the marine environment.

(b) REPORT.—The Secretary shall submit a report 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 within 6 months after the conclusions of the test required under subsection (a) on the costs and benefits of using the system regionally and nationwide to train members of the Coast Guard in the use of individual weapons and machine guns.

SEC. 214. 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. 215. 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 an employee of the Coast Guard in each Coast Guard District as 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 compliant.

''(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 a civilian 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. 216. 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. 217. 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, including the application of those laws to vessels that support the exploration, development, and production of oil, gas, or mineral resources in the Gulf of Mexico.''.

(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. 218. ACADEMY NOMINATIONS.

(a) APPOINTMENT.—Section 182(a) of title 14, United States Code, is amended to read as follows:

''(a) CORPS OF CADETS; NUMBER; NOMINATION.—

''(1) The authorized strength of the Corps of Cadets (determined for any academic program year as of the day before the last day of the academic program year) is 1,000, excluding those foreign nationals admitted for instructions pursuant to section 195. Subject to that limitation, cadets are selected as follows:

''(A) Not more than 10 individuals, appointed by the Secretary of Homeland Security, in order of merit as established by competitive examination, from the children of members of the Armed Forces who were killed in action or died of, or have a service-connected disability at not less than 100 per centum resulting from, wounds or injuries received or diseases contracted in, or preexisting injury or disease aggravated by, active service, children of members who are in a 'missing status' (as defined in section 551(2) of title 37), and children of civilian employees who are in 'missing status' (as defined in section 5561(5) of title 5). The determination of the Department of Veterans Affairs as to service connection of the cause of death or disability is rated, is binding upon the Secretary.

''(B) Not less than one, nominated at large by the Vice President or, if there is no Vice President, by the President pro tempore of the Senate.

''(C) Not less than one, nominated by each Senator.

''(D) Not less than one, nominated by each Representative in Congress.

''(E) Not less than one, nominated by the Delegate to the House of Representatives from the District of Columbia, the Delegate in Congress from the Virgin Islands, the Resident Commissioner from Puerto Rico, the Delegate in Congress from Guam, the Delegate in Congress from American Samoa, or the Resident Representative from the Commonwealth of the Northern Mariana Islands.

Each Senator, Representative, and Delegate in Congress, including the Resident Commissioner and the Resident Representative, is entitled to nominate 10 persons each year. Cadets who do not graduate on time shall not count against the allocations pursuant to subparagraphs (B)–(E). Nominees may be submitted without ranking or with a principal candidate and 9 ranked or unranked alternates. A nominee not selected for appointment under this paragraph shall be considered an alternate for the purposes of appointment under paragraph (2).

''(2) The Secretary may appoint, each academic program year, individuals who are either—

''(A) alternates nominated pursuant to paragraph (1) (C), (D), or (E); or

''(B) applicants who applied directly for admission.

''(3) In addition, the Secretary may appoint, each academic program year, individuals who are—

''(A) children of members of the Armed Forces who—

''(i) are on active duty (other than for training) and who have served continuously on active duty for at least eight years;

''(ii) are, or who died while they were, retired with pay or granted retired or retainer pay;

''(iii) are serving as members of reserve components and are credited with at least eight years of service;

''(iv) would be, or who died while they would have been, entitled to retired pay, except for not having attained 60 years of age; or

''(v) have been awarded the Medal of Honor;

the total number of whom cannot exceed 5 percent of the class to be admitted; however, a person who is eligible for selection under subsection (a)(1)(A) may not be selected under this subparagraph;

''(B) enlisted members of the Coast Guard or the Coast Guard Reserve, the total number of whom cannot exceed 5 percent of the class to be admitted;

''(C) graduates of the Coast Guard Scholars program, the total number of whom cannot exceed 30 percent of the class to be admitted; and

''(D) individuals who possess qualities that the Superintendent identifies to be of particular value to the Academy and the Service, the total number of whom cannot exceed 20 percent of the class to be admitted.

''(4) An individual shall be qualified for nomination, selection, and appointment as a cadet at the Academy only if the individual—

''(A) is a citizen or national of the United States; and

''(B) meets such minimum requirements that the Secretary may establish.

''(5) The Superintendent shall furnish to any Member of Congress, upon the written request of such Member, the name of the Congressman or other nominating authority responsible for the nomination of any named or identified person for appointment to the Academy.

''(6) For purposes of the limitation in subsection (a)(1) establishing the aggregate authorized strength of the Corps of Cadets, the Secretary may, for any academic program year, permit a variance in that limitation by not more than 5 percent. In applying that limitation, and any such variance, the last day of an academic program year shall be considered to be graduation day.''.

(b) TRANSITION.—This section shall provide for the nomination, selection, and appointment of individuals, pursuant to section 182 of title 14, United States Code, who will matriculate in academic program year 2012 and thereafter, except that for—

(1) academic program year 2012, no less than 135 cadets of the corps (or 14 percent of the corps, whichever is smaller) shall be from nominations made pursuant to section 182(a)(1)(B)–(E);

(2) academic program year 2013, no less than 270 cadets of the corps (or 27 percent of the corps, whichever is smaller) shall be from nominations made pursuant to section 182(a)(1)(B)–(E); and

(3) academic program year 2014, no less than 405 cadets of the corps (or 41 percent of the corps, which ever is smaller) shall be from nominations made pursuant to section 182(a)(1)(B)–(E).

The Secretary is hereby authorized to take any additional action the Secretary believes necessary and proper to provide for the transition to the nomination, selection, and appointment process provided under this section.

(c) MINORITY RECRUITING PROGRAM.—

(1) IN GENERAL.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following new section:

''§ 199. Minority recruiting program

''The Secretary of the department in which the Coast Guard is operating shall establish a minority recruiting program for prospective cadets at the Coast Guard Academy. The program may include—

''(1) use of minority cadets and officers to provide information regarding the Coast Guard and the Academy to students in high schools;

''(2) sponsoring of trips to high school teachers and guidance counselors to the Academy;

''(3) to the extent authorized by the Secretary of the Navy, maximizing the use of the Naval Academy Preparatory School to prepare students to be cadets at the Coast Guard Academy;

''(4) recruiting minority members of the Coast Guard to attend the Academy;

''(5) establishment of a minority affairs office at the Academy; and

''(6) use of minority officers and members of the Coast Guard Reserve and Auxiliary to promote the Academy.''.

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

''199. Minority recruiting program.''.

SEC. 219. 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 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. 220. 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. 221. MINORITY SERVING INSTITUTIONS.

(a) MSI MANAGEMENT INTERNSHIP PROGRAM.—

(1) ESTABLISHMENT AND PURPOSE.—The Commandant of the Coast Guard shall establish a two part management internship program for students at minority serving institutions (MSI) to intern at Coast Guard headquarters or a Coast Guard regional office, to be known as the ''MSI Management Internship Program'', to develop a cadre of civilian, career mid-level and senior managers for the Coast Guard.

(2) OPERATION.—The MSI Management Internship Program shall be managed by the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, in coordination with National Association for Equal Opportunity in Higher Education, the Hispanic Association of Colleges and Universities, and the American Indian Higher Education Consortium and other non-profit educational organizations that can undertake effective recruitment efforts to attract minority students and students with disabilities.

(3) CRITERIA FOR SELECTION.—Participation in the MSI Management Internship Program shall be open to sophomores, juniors, and seniors at minority serving institutions, with an emphasis on such students who are majoring in management or business administration, international affairs, political science, marine sciences, criminal justice, or any other major related to homeland security.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 to the Commandant to carry out this subsection.

(b) MSI INITIATIVES.—

(1) ESTABLISHMENT OF MSI STUDENT PRE-COMMISSIONING INITIATIVE.—The Commandant of the Coast Guard shall establish an MSI component of the College Student Pre-Commissioning Initiative (to be known as the ''MSI Student Pre-Commissioning Initiative Program'') to ensure greater participation by students from MSIs in the College Student Pre-Commissioning Initiative.

(2) PARTICIPATION IN OFFICER CANDIDATE SCHOOL.—The Commandant of the Coast Guard shall ensure that graduates of the MSI Student Pre-Commissioning Initiative Program are included in the first enrollment for Officer Candidate School that commences after the date of enactment of this Act and each enrollment period thereafter.

(3) REPORTS.—Not later than 90 days after the conclusion of each academic year with respect to which the College Student Pre-Commissioning Initiative and the MSI Student Pre-Commissioning Initiative Program is carried out beginning with the first full academic year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce of the Senate a report on the number of students in the College Student Pre-Commissioning Initiative and the number of students in the MSI Student Pre-Commissioning Initiative Program, outreach efforts, and demographic information of enrollees including, age, gender, race, and disability.

(4) ESTABLISHMENT OF MSI AVIATION OFFICER CORPS INITIATIVE.—The Commandant of the Coast Guard shall establish an MSI Aviation Officer Corps Initiative to increase the diversity of the Coast Guard Aviation Officer Corps through an integrated recruiting, accession, training, and assignment process that offers guaranteed flight school opportunities to students from minority serving institutions.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 to the Commandant to carry out this subsection.

(c) COAST GUARD-MSI COOPERATIVE TECHNOLOGY PROGRAM.—

(1) ESTABLISHMENT.—The Commandant of the Coast Guard shall establish a Coast Guard Laboratory of Excellence-MSI Cooperative Technology Program at three minority serving institutions to focus on priority security areas for the Coast Guard, such as global maritime surveillance, resilience, and recovery.

(2) COLLABORATION.—The Commandant shall encourage collaboration among the minority serving institutions selected under paragraph (1) and institutions of higher education with institutional research and academic program resources and experience.

(3) PARTNERSHIPS.—The heads of the laboratories established at the minority serving institutions pursuant to paragraph (1) may seek to establish partnerships with the private sector, especially small, disadvantaged businesses, to—

(A) develop increased research and development capacity;

(B) increase the number of baccalaureate and graduate degree holders in science, technology, engineering, mathematics (STEM), and information technology or other fields critical to the mission of the Coast Guard; and

(C) strengthen instructional ability among faculty.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,500,000 to the Commandant to carry out this subsection, including for instrumentation acquisition and funding undergraduate student scholarships, graduate fellowships, and faculty-post doctoral study.

(d) DEFINITION.—For purposes of this section, the terms ''minority serving institution'', ''minority serving institutions'', and ''MSI'' mean a historically Black college or university (as defined in section 322 of the Higher Education Act of 1965), a Hispanic-serving institution (as defined in section 502 of such Act), a Tribal College or University (as defined in section 316 of such Act), a Predominantly Black institution (as defined in section 499A(c) of such Act), or a Native American-serving nontribal institution (as defined in section 499A(c) of such Act).

TITLE III—SHIPPING AND NAVIGATION

SEC. 301. GOODS AND SERVICES.

Section 4(b) of the Act of July 5, 1884, commonly known as the Rivers and Harbors Appropriation Act of 1884 (33 U.S.C. 5(b)), is amended—

(1) by striking ''or'' at the end of paragraph (2)(C);

(2) by striking the period at the end of paragraph (3) and inserting ''; or''; and

(3) by adding at the end the following:

''(4) sales taxes on goods and services provided to or by vessels or watercraft (other than vessels or watercraft primarily engaged in foreign commerce).''.

SEC. 302. 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. 303. 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 $10,000 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. 304. 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. 305. ADJUSTMENT OF LIABILITY LIMITS FOR NATURAL GAS DEEPWATER PORTS.

Section 1004(d)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(2)) is amended by adding at the end the following:

''(D) The Secretary may establish, by regulation, a limit of liability of not less than $12,000,000 for a deepwater port used only in connection with transportation of natural gas.''.

SEC. 306. PERIOD OF LIMITATIONS FOR CLAIMS AGAINST OIL SPILL LIABILITY TRUST FUND.

Section 1012(h)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(h)(1)) is amended by striking ''6'' and inserting ''3''.

SEC. 307. 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 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 credentials and background screening and streamline the application process for mariners.

SEC. 308. REPORT ON COAST GUARD DETERMINATIONS.

Not later than 180 days after enactment of this Act, the Secretary of Homeland Security shall provide 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 loss of United States shipyard jobs and industrial base expertise as a result of rebuild, conversion, and double-hull work on United States-flag vessels eligible to engage in the coastwise trade being performed in foreign shipyards, enforcement of the Coast Guard's foreign rebuild determination regulations, and recommendations for improving the transparency in the Coast Guard's foreign rebuild determination process.

SEC. 309. SHIP EMISSION REDUCTION TECHNOLOGY DEMONSTRATION PROJECT.

(a) STUDY.—The Commandant of the Coast Guard shall conduct a study—

(1) on the methods and best practices of the use of exhaust emissions reduction technology on cargo or passenger ships that operate in United States waters and ports; and

(2) that identifies the Federal, State, and local laws, regulations, and other requirements that affect the ability of any entity to effectively demonstrate onboard technology for the reduction of contaminated emissions from ships.

(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 of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 310. 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. 311. ARCTIC MARINE SHIPPING ASSESSMENT IMPLEMENTATION.

(a) PURPOSE.—The purpose of this section is to ensure safe, secure, and reliable 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 shall work through the International Maritime Organization to establish 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 icebreaking escort, 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 needed to assure the reasonable demands of commerce.

(f) DEMONSTRATION PROJECTS.—The Secretary of Transportation may enter into cooperative agreements, contracts, or other agreements with, or make grants to, individuals to conduct demonstration projects to reduce emissions or discharges from vessels operating in the Arctic.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) to the Secretary of the department in which the Coast Guard is operating—

(A) $5,000,000 for each of fiscal years 2011 through 2015 for seasonal operations in the Arctic; and

(B) $10,000,000 for each of fiscal years 2012 through 2015 to carry out agreements established under subsection (d); and

(2) to the Secretary of Transportation $5,000,000 for each of fiscal years 2011 through 2015 to conduct demonstration projects under subsection (f).

(h) ICEBREAKERS.—

(1) ANALYSES.—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 Arctic polar ice-breaking mission requirements, which ever occurs later, the Commandant of the Coast Guard shall—

(A) conduct a comparative cost-benefit analysis of—

(i) rebuilding, renovating, or improving the existing fleet of icebreakers for operation by the Coast Guard,

(ii) constructing new icebreakers for operation by the Coast Guard, and

(iii) any combination of the activities described in clauses (i) and (ii), to carry out the missions of the Coast Guard; and

(B) conduct an analysis of the impact on mission capacity and the ability of the United States to maintain a presence in the Arctic regions through the year 2020 if recapitalization of the icebreaker fleet, either by constructing new icebreakers or rebuilding, renovating, or improving the existing fleet of icebreakers, is not fully funded.

(2) REPORTS TO CONGRESS.—

(A) 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 Arctic ice-breaking mission requirements, which ever occurs later, the Commandant of the Coast Guard shall submit a report containing the results of the study, together with recommendations the Commandant deems appropriate under section 93(a)(24) of title 14, United States Code, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(B) Not later than 1 year after the date of enactment of this Act, the Commandant shall submit reports containing the results of the analyses required under subparagraphs (A) and (B) of paragraph (1), together with recommendations the Commandant deems appropriate under section 93(a)(24) of title 14, United States Code, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(i) 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).

SEC. 312. SUPPLEMENTAL POSITIONING SYSTEM.

(a) FINDINGS.—The Congress finds the following:

(1) In August 2006, the Department of Transportation and Department of Homeland Security sponsored the formation of an Independent Assessment Team to review the need for enhanced Loran (eLORAN) as a supplement to the Global Positioning System (GPS).

(2) In December 2006, the Independent Assessment Team unanimously recommended that eLORAN be completed and retained as the national backup system for critical safety of life, national and economic security, and quality of life applications currently that are reliant on position, time, or frequency from GPS.

(3) Based on the Independent Assessment Team report, the Department of Transportation and Department of Homeland Security jointly recommended in March 2007 that eLORAN be the national backup for GPS.

(4) The Department of Homeland Security formally announced on February 7, 2008, its intention to implement eLORAN as a national positioning, navigation, and timing system to complement the GPS in the even of an outage or disruption in service.

(5) A recent outage of GPS services in California due to an unintentional jamming incident resulted in the shutdown of the Coast Guard's maritime Differential Global Positions System program and the Automatic Identification System, caused disruption to vessel and aircraft operations, and severely degraded transmissions at over 150 cell phone base stations.

(6) In January 2009, the Independent Assessment Team reiterated its unanimous recommendation that the Federal Government commit to operating the eLORAN system as a backup to GPS for not less than a 20-year period.

(b) REQUIRED ACTIONS.—The Secretary of the department in which the Coast Guard is operating—

(1) shall establish eLORAN as the supplemental navigation system for the United States;

(2) 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) a plan for modernizing the remaining LORAN–C stations;

(B) a timeline for the completion of such modernization; and

(C) a comprehensive estimate of the costs associated with modernizing LORAN–C infrastructure to meet eLORAN specifications; and

(3) may not take action to terminate or decommission the LORAN–C program until 30 days

after the Secretary certifies to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the eLORAN system is operational.

SEC. 313. DUAL ESCORT VESSELS FOR DOUBLE HULLED TANKERS IN PRINCE WILLIAM SOUND, ALASKA.

(a) IN GENERAL.—Section 4116(c) of the Oil Pollution Act of 1990 (46 U.S.C. 3703 note; Public Law 101–380) is amended—

(1) by striking ''Not later than 6 months'' and inserting the following:

''(1) IN GENERAL.—Not later than 180 days''; and

(2) 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 Federal agency with jurisdiction over the Coast Guard shall carry out subparagraph (A) by order without notice and hearing pursuant to section 553 of title 5, United States Code.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date that is 90 days after the date of enactment of this Act.

TITLE IV—GREAT LAKES ICEBREAKER

SEC. 401. SHORT TITLE.

This title may be cited as the ''Great Lakes Icebreaker Replacement Act''.

SEC. 402. FINDINGS.

Congress finds that—

(1) five of the Coast Guard's Great Lakes icebreakers are nearing the end of their useful lives;

(2) two other Coast Guard icebreaking assets have experienced difficulty in heavy ice conditions;

(3) during the spring of 2008, United States-flag vessels operating on the Great Lakes suffered more than $1,300,000 in damages to their hulls because the Coast Guard did not have enough assets available to keep Great Lakes shipping lanes open;

(4) during the 2006–2007 ice season, shipments of iron ore, coal, and limestone on the Great Lakes exceeded 20,000,000 tons;

(5) during the 2006–2007 ice season, the transportation of 10,400,000 tons of iron ore on the Great Lakes helped support 100,000 jobs at steel mills and 300,000 jobs at supplier industries by keeping those industries working during the winter season; and

(6) the 6,400,000 tons of coal shipped on the Great Lakes during the 2006–2007 ice season kept the Great Lakes region supplied with electricity.

SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $153,000,000 for necessary expenses of the Coast Guard for the design, acquisition, and construction of a combined buoy tender-icebreaker to replace icebreaking capacity on the Great Lakes, to remain available until expended.

TITLE V—ACQUISITION REFORM

SEC. 501. SHORT TITLE.

This title may be cited as the ''Coast Guard Acquisition Reform Act of 2009''.

SEC. 502. DEFINITIONS.

In this title, the following definitions apply:

(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) COMMANDANT.—The term ''Commandant'' means the Commandant of the Coast Guard.

(3) 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.

(4) 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.

(5) 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.

Subtitle A—Restrictions on the Use of Lead Systems Integrators

SEC. 511. PROCUREMENT STRUCTURE.

(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 end of the 180-day period beginning on the date of enactment of this Act.

(2) FULL AND OPEN COMPETITION.—The Commandant and any lead systems integrator engaged by the Coast Guard shall use full and open competition for any acquisition contract awarded after the date of enactment of this 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; NATIONAL SECURITY CUTTERS 2 AND 3.—Notwithstanding subsections (a) and (e), 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) and National Security Cutters 2 and 3.

(2) COMPLETION OF ACQUISITION BY LEAD SYSTEMS INTEGRATOR.—Notwithstanding subsection (a), the Commandant may use a private sector entity as a lead systems integrator for the Coast Guard—

(A) to complete any delivery order or task order, including the exercise of previously established options on a delivery order or task order that was issued to a lead systems integrator on or before the date that is 180 days after the date of enactment of this Act without any change in the quantity of capabilities or assets or the specific type of capabilities or assets covered by the order;

(B) for a contract awarded after the date that is 180 days after the date of enactment of this Act for acquisition of, or in support of, the HC–130J aircraft, the HH–65 aircraft, or the C4ISR system, if the requirements of subsection (c) are met with respect to such acquisitions;

(C) for a contract awarded after the date that is 180 days after the date of enactment of this Act for acquisition of, or in support of, Maritime Patrol Aircraft, if the requirements of subsection (c) are met with respect to such an acquisition; and

(D) for the acquisition of, or in support of, additional National Security Cutters or Maritime Patrol Aircraft, if the Commandant determines that—

(i) the acquisition is in accordance with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation;

(ii) the acquisition and the use of a private sector entity as a lead systems integrator for the acquisition are in the best interest of the Federal Government; and

(iii) the requirements of subsection (c) are met with respect to such acquisition.

(3) REPORT ON DECISIONMAKING PROCESS.—If the Commandant determines under subparagraph (B), (C), or (D) of subsection (b)(2) that the Coast Guard will use 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 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 described in subparagraph (B), (C), or (D) of subsection (b)(2) 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 or 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) RULE OF CONSTRUCTION.—The limitation in subsection (b)(1)(A) on the quantity and specific type of assets to which subsection (b) applies shall not be construed to apply to the modification of the number or type of any subsystems or other components of a vessel or aircraft described in subparagraph (B), (C), or (D) of subsection (b)(2).

(e) 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.

Subtitle B—Coast Guard Acquisition Policy

SEC. 521. OPERATIONAL REQUIREMENTS.

(a) IN GENERAL.—No Level 1 or Level 2 acquisition program may be initiated by the Coast Guard, and no production contract may be awarded for such an acquisition, unless the Commandant has approved an operational requirement for such acquisition.

(b) OPERATIONAL REQUIREMENT FOR ACQUISITION PROGRAMS.—

(1) IN GENERAL.—The Commandant shall establish mature and stable operational requirements for acquisition programs.

(2) ELEMENTS.—Prior to establishing operational requirements under paragraph (1), the Commandant shall—

(A) prepare a preliminary statement of need, a concept of operations, an analysis of alternatives or the equivalent, an estimate of life-cycle costs, and requirements for interoperability with other capabilities and assets within and external to the Coast Guard; and

(B) in preparing the concept of operations under subparagraph (A), coordinate with acquisition and support professionals, requirements officials, operational users and maintainers, and resource officials who can ensure the appropriate consideration of performance, cost, schedule and risk trade-offs.

(c) CONSIDERATION OF TRADE-OFFS.—In establishing operational requirements under subsection (a), the Commandant shall develop and implement mechanisms to ensure that trade-offs among performance, cost, schedule, and risk are considered in the establishment of operational requirements for development and production of a Level 1 or Level 2 acquisition.

(d) ELEMENTS.—The mechanisms required under this section shall ensure at a minimum that Coast Guard officials responsible for acquisition management, budget, and cost estimating functions have the authority to develop cost estimates and raise cost and schedule matters at any point in the process of establishing operational requirements for a Level 1 or Level 2 acquisition.

SEC. 522. 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 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 this Act—

(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) requires 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 CONTRACT PROVISIONS.—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 this Act does not include any provision allowing for equitable adjustment that differs from the Federal Acquisition Regulation.

(c) EXTENSION OF PROGRAM.—Any contract, contract modification, or award term extending a contract with a lead systems integrator—

(1) shall not include any minimum requirements for the purchase of a given or determinable number of specific capabilities or assets; and

(2) 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.

SEC. 523. LIFE-CYCLE COST ESTIMATES.

(a) 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 years, and to ensure that these estimates are considered in decisions to develop or produce new or enhanced capabilities and assets.

(b) 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 program or project.

(c) REQUIRED UPDATES.—For each Level 1 or Level 2 acquisition program or project the Commandant shall require that life-cycle cost estimates shall be updated before each milestone decision is concluded and the program or project enters a new acquisition phase.

SEC. 524. TEST AND EVALUATION.

(a) TEST AND EVALUATION MASTER PLAN.—

(1) IN GENERAL.—For any Level 1 or Level 2 acquisition program or project the Coast Guard Chief Acquisition Officer must approve a Test and Evaluation Master Plan specific to the acquisition program or project for the capability, asset, or sub-systems of the capability or asset and intended to minimize technical, cost, and schedule risk as early as practicable in the development of the program or project.

(2) TEST AND EVALUATION STRATEGY.—The TEMP shall—

(A) set forth an integrated test and evaluation strategy that will verify that capability-level or asset-level and sub-system-level design and development, including performance and supportability, have been sufficiently proven before the capability, asset, or sub-system 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 TEMP.—At a minimum, the TEMP 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 Coast Guard Chief Acquisition Officer shall approve an updated TEMP whenever there is a revision to program or project test and evaluation strategy, scope, or phasing.

(5) LIMITATION.—The Coast Guard may not—

(A) proceed past that phase of the acquisition process that entails approving the supporting acquisition of a capability or asset before the TEMP is approved by the Coast Guard Chief Acquisition Officer; or

(B) award any production contract for a capability, asset, or sub-system for which a TEMP is required under this subsection before the TEMP is approved by the Coast Guard Chief Acquisition Officer.

(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 sub-systems of the capability or asset for which a TEMP has been prepared under subsection (a).

(2) USE OF THIRD PARTIES.—The Commandant shall ensure that the Coast Guard uses third parties with expertise in testing and evaluating the capabilities or assets and the sub-systems 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 TEMP.

(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 sub-systems 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 sub-systems concerned and to the Coast Guard 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 concern is corrected or mitigated. The report shall also include an explanation of the actions that will be taken to correct or mitigate the safety concern, the date by which those actions will be taken, and the adequacy of current funding to correct or mitigate the safety concern.

(5) ASSET ALREADY IN LOW, INITIAL, OR FULL-RATE PRODUCTION.—If operational test and evaluation on a capability or asset already in low, initial, or full-rate production identifies a safety concern with the capability or asset or any sub-systems 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 appropriate congressional Committee of the safety concern not later than 30

days after notification is made to the program manager and 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 sub-systems 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 sub-systems 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 sub-systems of the capabilities or assets and in previously produced capabilities or assets and sub-systems.

(c) DEFINITIONS.—In this section:

(1) DEVELOPMENTAL TEST AND EVALUATION.—The term ''developmental test and evaluation'' means—

(A) the testing of a capability or asset and the sub-systems 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.

(2) OPERATIONAL TEST AND EVALUATION.—The term ''operational test and evaluation'' means—

(A) the testing of a capability or asset and the sub-systems 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 sub-systems for use by typical Coast Guard users to conduct those missions for which the capability or asset and sub-systems are intended to be used; and

(B) the evaluation of the results of such testing.

(3) SAFETY CONCERN.—The term ''safety concern'' means any hazard associated with a capability or asset or a sub-system 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 sub-system or any hazard associated with the capability, asset, or sub-system that is likely to cause major damage to the capability, asset, or sub-system during the course of its normal operation by a typical Coast Guard user.

(4) TEMP.—The term ''TEMP'' means a Test and Evaluation Master Plan for which approval is required under this section.

SEC. 525. CAPABILITY STANDARDS.

(a) CUTTER CLASSIFICATION.—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 this Act to be classed by the American Bureau of Shipping before final acceptance.

(b) TEMPEST TESTING.—The Commandant shall—

(1) 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 this Act to be tested in accordance with TEMPEST standards and communication security (COMSEC) standards by an independent third party that is authorized by the Federal Government to perform such testing; and

(2) certify that the capabilities and assets meet all applicable TEMPEST requirements.

(c) NATIONAL SECURITY CUTTERS.—

(1) 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 and the Committee on Homeland Security of the House of Representatives all results of an assessment of the proposed hull strengthening design conducted by the Coast Guard, including—

(A) 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;

(B) a cost benefit analysis of the proposed hull strengthening measures for National Security Cutters 1 and 2; and

(C) 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.

(2) 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.

(d) AIRCRAFT AIRWORTHINESS.—The Commandant shall cause all aircraft and aircraft engines acquired by the Coast Guard and delivered after the date of enactment of this Act to be assessed for airworthiness by an independent third party with expertise in aircraft and aircraft engine certification, before final acceptance.

SEC. 526. ACQUISITION PROGRAM REPORTS.

Any Coast Guard Level 1 or Level 2 acquisition program or project 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 and asset to be acquired under the proposed acquisition program or project will be built to achieve.

(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 program baseline and acquisition unit cost for the capability or asset to be produced and deployed under the program or project.

(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.

SEC. 527. 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 covered under subsection (a) must 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, United States Code);

(B) an operation in response to an emergency that poses an unacceptable threat to human health or safety or to the marine environment; or

(C) 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.—Such term does not include contractual actions with respect to the following:

(i) Foreign military sales.

(ii) Purchases in an amount not in excess of the amount of the simplified acquisition threshold.

(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.

SEC. 528. GUIDANCE ON EXCESSIVE PASS-THROUGH CHARGES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, 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 this Act.

SEC. 529. ACQUISITION OF MAJOR CAPABILITIES: ALTERNATIVES ANALYSIS.

The Coast Guard may not acquire an experimental or technically immature capability or asset or implement a Level 1 or Level 2 acquisition, unless it has conducted an alternatives analysis for the capability or asset to be acquired in the concept and technology development phase of the acquisition process for the capability or asset. Such analysis shall be conducted 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. Such alternatives analysis shall include—

(1) an assessment of the technical maturity of the capability or asset and technical and other risks;

(2) an examination of capability, interoperability, and other advantages and disadvantages;

(3) an evaluation of whether different combinations or quantities of specific capabilities or assets could meet the Coast Guard's overall performance needs;

(4) a discussion of key assumptions and variables, and sensitivity to change in such assumptions and variables;

(5) when an alternative is an existing capability, asset, or prototype, an evaluation of relevant safety and performance records and costs;

(6) a calculation of life-cycle costs, including—

(A) an examination of development costs and the levels of uncertainty associated with such estimated costs;

(B) an examination of likely production and deployment costs and the levels of uncertainty associated with such estimated costs;

(C) an examination of likely operating and support costs and the levels of uncertainty associated with such estimated costs;

(D) if they are likely to be significant, an examination of likely disposal costs and the levels of uncertainty associated with such estimated costs; and

(E) such additional measures the Commandant determines to be necessary for appropriate evaluation of the capability or asset; and

(7) the business case for each viable alternative.

SEC. 530. COST OVERRUNS AND DELAYS.

(a) IN GENERAL.—The Commandant shall submit a report to the appropriate congressional committees 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 10 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 program or project 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 program or project is essential to the accomplishment of Coast Guard missions;

(2) there are no alternatives to such capability or asset or capability or asset class which 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.

SEC. 531. REPORT ON FORMER COAST GUARD OFFICIALS EMPLOYED BY CONTRACTORS TO THE AGENCY.

(a) REPORT REQUIRED.—Not later than December 31, 2009, 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.

SEC. 532. 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 capabilities and assets acquired for the Coast Guard.

(b) INTER-SERVICE TECHNICAL ASSISTANCE.—The Commandant may 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 Commands, with the oversight of Coast Guard major acquisition programs. Such memorandum of understanding or memorandum of agreement shall, at a minimum, provide for—

(1) the exchange of technical assistance and support that the Coast Guard Chief Acquisition Officer, Coast Guard Chief Engineer, and the Coast Guard Chief Information Officer 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 Commands, to facilitate the development of organic capabilities in the Coast Guard.

(c) TECHNICAL REQUIREMENT APPROVAL PROCEDURES.—The Coast Guard Chief Acquisition Officer shall adopt, to the extent practicable, procedures that are similar to those used by the senior procurement executive of the Department of the Navy to approve all technical requirements.

(d) ASSESSMENT.—Within 180 days after the date of enactment of this Act, the Comptroller General 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.

Subtitle C—Coast Guard Personnel

SEC. 541. 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) ESTABLISHMENT OF CHIEF ACQUISITION OFFICER.—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 Acquisitions Directorate shall be an acquisition professional with a program manager level III certification and must have at least 10 years experience in an acquisition position, of which at least 4 years were spent in one of the following qualifying positions:

''(A) Program executive officer.

''(B) Program manager of a Level 1 or Level 2 acquisition.

''(C) Deputy program manager of a Level 1 or Level 2 acquisition.

''(D) Project manager for a Level 1 or Level 2 acquisition.

''(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 this subsection.

''(c) AUTHORITY AND FUNCTIONS OF THE CHIEF ACQUISITION OFFICER.—The functions of the Chief Acquisition Officer shall include—

''(1) monitoring the performance of programs and projects 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 of the Coast Guard, as designated by the Commandant, and 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) APPLICATION OF QUALIFICATION REQUIREMENT.—Section 56(b) of title 14, United States Code, as amended by this section, shall apply beginning October 1, 2011.

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

''56. Chief Acquisition Officer.''.

(d) ELEVATION OF DISPUTES TO THE CHIEF ACQUISITION OFFICER.—Within 45 days after the elevation to the Chief Acquisition Officer of any design or other dispute regarding a Level 1 or Level 2 acquisition, 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.

(e) 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 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.

SEC. 542. IMPROVEMENTS IN COAST GUARD ACQUISITION MANAGEMENT.

(a) PROGRAM AND PROJECT MANAGERS.—An individual may not be assigned as the program manager for a Level 1 or Level 2 acquisition unless the individual holds a Level III acquisition certification as a program manager.

(b) 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.

(c) 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 55 of title 14, United States Code.

(d) DESIGNATION OF POSITIONS IN THE 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.

(e) 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.

(f) REPORT ON ADEQUACY OF ACQUISITION WORKFORCE.—

(1) IN GENERAL.—The Commandant shall report to the Congress 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 (d); and

(B) identify positions that are understaffed to meet the anticipated acquisition workload, and actions that will be taken to correct such understaffing.

(g) 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.

(h) 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.

(i) BALANCED WORKFORCE POLICY.—In the development of acquisition workforce policies under this section with respect to any civilian employees or applicants for employment, the Commandant shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, United States Code, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

(j) GUIDANCE ON TENURE AND ACCOUNTABILITY OF PROGRAM MANAGERS.—

(1) ISSUANCE OF GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Commandant shall issue guidance to address the qualifications, resources, responsibilities, tenure, and accountability of program managers for the management of acquisition programs and projects. The guidance shall address, at a minimum—

(A) the qualifications that shall be required of program managers, including the number of years of acquisition experience and the professional training levels to be required of those appointed to program management positions;

(B) authorities available to 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 program manager who initiates a new program or project will continue in management of that program or project 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 Act, the Commandant shall develop a comprehensive strategy for enhancing the role of Coast Guard 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 program managers, including the rotational assignments that will be provided to program managers;

(ii) the provision of enhanced training and educational opportunities for individuals who are or may become program managers;

(iii) the provision of mentoring support to current and future 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 program management throughout the Coast Guard;

(v) the templates and tools that will be used to support improved data gathering and analysis for program management and oversight purposes, including the metrics that will be utilized to assess the effectiveness of Coast Guard program managers in managing systems acquisition efforts;

(vi) a description in detail of how the Coast Guard will promote a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service; and

(vii) the methods by which the accountability of program managers for the results of acquisition programs will be increased.

SEC. 543. RECOGNITION OF COAST GUARD PERSONNEL FOR EXCELLENCE IN ACQUISITION.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, 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 program or project.

(b) ELEMENTS.—The program required by subsection (a) shall include the following:

(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.

(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 individual 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.

SEC. 544. COAST GUARD ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

(a) IN GENERAL.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Commandant 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 subsection after September 30, 2012.

TITLE VI—MARITIME WORKFORCE DEVELOPMENT

SEC. 601. SHORT TITLE.

This title may be cited as the ''Maritime Workforce Development Act''.

SEC. 602. MARITIME EDUCATION LOAN PROGRAM.

(a) IN GENERAL.—Chapter 517 of title 46, United States Code, is amended by adding at the end the following:

''§ 51705. Maritime career training loan program

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a maritime career training loan program (in this section referred to as the 'program') in accordance with the requirements of this section.

''(b) PURPOSE.—The purpose of the program shall be to make maritime career training loans available to eligible students to provide for the training of United States mariners.

''(c) ADMINISTRATION.—The program shall be carried out by the Secretary, acting through the Administrator of the Maritime Administration.

''(d) DUTIES.—The Secretary shall—

''(1) allocate, on an annual basis, the award of loans under the program based on the needs of students;

''(2) develop an application process and eligibility criteria for the award of loans under the program;

''(3) approve applications for loans under the program based on the eligibility criteria and allocations made under paragraph (1); and

''(4) designate maritime training institutions at which loans made under the program may be used.

''(e) DESIGNATION OF MARITIME TRAINING INSTITUTIONS.—

''(1) IN GENERAL.—In designating maritime training institutions under subsection (d)(4), the Secretary—

''(A) may include Federal, State, and commercial training institutions and nonprofit training organizations, except that undergraduate students at the United States Merchant Marine Academy shall not be eligible for loans under the program;

''(B) shall designate institutions based on geographic diversity and scope of classes offered;

''(C) shall ensure that designated institutions have the ability to administer the program; and

''(D) shall ensure that designated institutions meet requirements to provide training instruction for appropriate Coast Guard-approved training instruction.

''(2) EXCLUSIONS.—The Secretary—

''(A) may exclude from participation in the program a maritime training institution that has had severe performance deficiencies, including deficiencies demonstrated by audits or program reviews conducted during the 5 calendar years immediately preceding the present year;

''(B) shall exclude from participation in the program a maritime training institution that has delinquent or outstanding debts to the United States, unless such debts are being repaid under or in accordance with a repayment arrangement satisfactory to the United States, or the Secretary in the Secretary's discretion determines that the existence or amount of any such debts has not been finally determined by the appropriate Federal agency;

''(C) may exclude from participation in the program a maritime training institution that has failed to comply with quality standards established by the Department of Labor, the Coast Guard, or a State; and

''(D) may establish such other criteria as the Secretary determines will protect the financial interest of the United States and promote the purposes of this section.

''(f) STATE MARITIME ACADEMIES.—

''(1) USE OF FUNDS FOR LOANS TO STUDENTS ATTENDING STATE MARITIME ACADEMIES.—The Secretary may obligate not more than 50 percent of the amounts appropriated to carry out this section for a fiscal year for loans to undergraduate students attending State maritime academies receiving assistance under chapter 515 of this title.

''(2) ACADEMIC STANDARDS FOR STUDENTS.—Students at State maritime academies receiving loans under the program shall maintain satisfactory progress toward the completion of their course of study as evidenced by the maintenance of a cumulative C average, or its equivalent, or academic standing consistent with the requirements for graduation, as determined by the institution.

''(g) LOAN AMOUNTS AND USE.—

''(1) MAXIMUM AMOUNTS.—The Secretary may not make loans to a student under the program in an amount that exceeds $15,000 in a calendar year or $60,000 in the aggregate.

''(2) USE OF LOAN PROCEEDS.—A student who receives a loan under the program may use the proceeds of the loan only for postsecondary expenses incurred at an institution designated by the Secretary under subsection (d)(4) for books, tuition, required fees, travel to and from training facilities, and room and board.

''(h) STUDENT ELIGIBILITY.—To be eligible to receive a loan under the program, a student shall—

''(1) be eligible to hold a license or merchant mariner document issued by the Coast Guard;

''(2) provide to the Secretary such information as the Secretary may require, including all current Coast Guard documents, certifications, proof of United States citizenship or permanent legal status, and a statement of intent to enter a maritime career;

''(3) meet the enrollment requirements of a maritime training institution designated by the Secretary under subsection (d)(4); and

''(4) sign an agreement to—

''(A) complete a course of instruction at such a maritime training institution; and

''(B)(i) maintain a license and serve as an officer in the merchant marine on a documented vessel or a vessel owned and operated by the United States for at least 18 months of service at sea following the date of graduation from the maritime program for which the loan proceeds will be used; or

''(ii) serve as an unlicensed merchant mariner on a documented vessel or a vessel owned and operated by the United States for at least 18 months of service at sea following the date of graduation from the maritime program for which the loan proceeds will be used.

''(i) ADMINISTRATION OF LOANS.—

''(1) CONTENTS OF LOAN AGREEMENTS.—Any agreement between the Secretary and a student borrower for a loan under the program shall—

''(A) be evidenced by a note or other written instrument that provides for the repayment of

the principal amount of the loan and any origination fee, together with interest thereon, in equal installments (or, if the student borrower so requests, in graduated periodic installments determined in accordance with such schedules as may be approved by the Secretary) payable quarterly, bimonthly, or monthly, at the option of the student borrower, over a period beginning 9 months from the date on which the student borrower completes study or discontinues attendance at the maritime program for which the loans are used at the institution approved by the Secretary and not exceeding 10 years;

''(B) include provision for acceleration of repayment of the whole, or any part, of such loan, at the option of the student borrower;

''(C) provide the loan without security and without endorsement;

''(D) provide that the liability to repay the loan shall be canceled upon the death of the student borrower, or if the student borrower becomes permanently and totally disabled, as determined in accordance with regulations to be issued by the Secretary;

''(E) contain a notice of the system of disclosure of information concerning default on such loan to credit bureau organizations; and

''(F) include provisions for deferral of repayment, as determined by the Secretary.

''(2) RATE OF INTEREST.—A student borrower who receives a loan under the program on or after January 1, 2010, and before October 1, 2015, shall be obligated to repay the loan amount to the Secretary, together with interest beginning in the period referred to in paragraph (1)(A), at a rate to be determined as follows:

''(A) For a loan for which the first disbursement is made on or after January 1, 2010, and before October 1, 2011, 5.6 percent on the unpaid principal balance of the loan.

''(B) For a loan for which the first disbursement is made on or after October 1, 2011, and before October 1, 2012, 4.5 percent on the unpaid principal balance of the loan.

''(C) For a loan for which the first disbursement is made on or after October 1, 2012, 3.4 percent on the unpaid principal balance of the loan.

''(3) DISCLOSURE REQUIRED PRIOR TO DISBURSEMENT.—

''(A) IN GENERAL.—The Secretary shall at or prior to the time the Secretary makes a loan to a student borrower under the program, provide thorough and adequate loan information on such loan to the student borrower. The disclosures required by this paragraph may be made as part of the written application material provided to the student borrower, as part of the promissory note evidencing the loan, or on a separate written form provided to the student borrower.

''(B) CONTENTS.—The disclosures shall include—

''(i) the address to which communications and payments should be sent;

''(ii) the principal amount of the loan;

''(iii) the amount of any charges collected at or prior to the disbursal of the loan and whether such charges are to be deducted from the proceeds of the loan or paid separately by the student borrower;

''(iv) the stated interest rate on the loan;

''(v) the yearly and cumulative maximum amounts that may be borrowed;

''(vi) an explanation of when repayment of the loan will be required and when the student borrower will be obligated to pay interest that accrues on the loan;

''(vii) a statement as to the minimum and maximum repayment term that the Secretary may impose, and the minimum monthly payment required by law and a description of any penalty imposed as a consequence of default, such as liability for expenses reasonably incurred in attempts by the Secretary to collect on a loan;

''(viii) a statement of the total cumulative balance, including the loan applied for, owed by the student borrower to the Secretary, and an estimate of the projected monthly payment, given such cumulative balance;

''(ix) an explanation of any special options the student borrower may have for loan consolidation or other refinancing of the loan;

''(x) a statement that the student borrower has the right to prepay all or part of the loan, at any time, without penalty;

''(xi) a statement summarizing circumstances in which repayment of the loan or interest that accrues on the loan may be deferred, and a brief notice of the program for repayment of loans, on the basis of military service, pursuant to the Department of Defense educational loan repayment program (10 U.S.C. 16302);

''(xii) a definition of default and the consequences to the student borrower if the student borrower defaults, together with a statement that the disbursement of, and the default on, a loan under this part shall be reported to a credit bureau or credit reporting agency;

''(xiii) to the extent practicable, the effect of accepting the loan on the eligibility of the student borrower for other forms of student assistance; and

''(xiv) an explanation of any cost the student borrower may incur in the making or collection of the loan.

''(C) INFORMATION TO BE PROVIDED WITHOUT COST.—The information provided under this paragraph shall be available to the Secretary without cost to the student borrower.

''(4) REPAYMENT AFTER DEFAULT.—The Secretary may require any student borrower who has defaulted on a loan made under the program to—

''(A) pay all reasonable collection costs associated with such loan; and

''(B) repay the loan pursuant to an income contingent repayment plan.

''(5) AUTHORIZATION TO REDUCE RATES AND FEES.—Notwithstanding any other provision of this section, the Secretary may prescribe by regulation any reductions in the interest rate or origination fee paid by a student borrower of a loan made under the program as the Secretary determines appropriate to encourage ontime repayment of the loan. Such reductions may be offered only if the Secretary determines the reductions are cost neutral and in the best financial interest of the United States.

''(6) COLLECTION OF REPAYMENTS.—The Secretary shall collect repayments made under the program and exercise due diligence in such collection, including maintenance of all necessary records to ensure that maximum repayments are made. Collection and servicing of repayments under the program shall be pursued to the full extent of the law, including wage garnishment if necessary. The Secretary of the Department in which the Coast Guard is operating shall provide the Secretary of Transportation with any information regarding a mariner that may aid in the collection of repayments under this section.

''(7) REPAYMENT SCHEDULE.—A student borrower who receives a loan under the program shall repay the loan quarterly, bimonthly, or monthly, at the option of the student borrower, over a period beginning 9 months from the date the student borrower completes study or discontinues attendance at the maritime program for which the loan proceeds are used and ending not more than 10 years after the date repayment begins. Provisions for deferral of repayment shall be determined by the Secretary.

''(8) CONTRACTS FOR SERVICING AND COLLECTION OF LOANS.—The Secretary may—

''(A) enter into a contract or other arrangement with State or nonprofit agencies and, on a competitive basis, with collection agencies for servicing and collection of loans under this section; and

''(B) conduct litigation necessary to carry out this section.

''(j) REVOLVING LOAN FUND.—

''(1) ESTABLISHMENT.—The Secretary shall establish a revolving loan fund consisting of amounts deposited in the fund under paragraph (2).

''(2) DEPOSITS.—The Secretary shall deposit in the fund—

''(A) receipts from the payment of principal and interest on loans made under the program; and

''(B) any other monies paid to the Secretary by or on behalf of individuals under the program.

''(3) AVAILABILITY OF AMOUNTS.—Amounts in the fund shall be available to the Secretary, without further appropriation—

''(A) to cover the administrative costs of the program, including the maintenance of records and making collections under this section; and

''(B) to the extent that amounts remain available after paying such administrative costs, to make loans under the program.

''(4) MAINTENANCE OF RECORDS.—The Secretary shall maintain accurate records of the administrative costs referred to in paragraph (3)(A).

''(k) ANNUAL REPORT.—The Secretary, on an annual basis, 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 program, including—

''(1) the total amount of loans made under the program in the preceding year;

''(2) the number of students receiving loans under the program in the preceding year; and

''(3) the total amount of loans made under program that are in default as of the date of the report.

''(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2010 through 2015—

''(1) $10,000,000 for making loans under the program; and

''(2) $1,000,000 for administrative expenses of the Secretary in carrying out the program.

''§51706. Maritime recruitment, training, and retention grant program

''(a) STRATEGIC PLAN.—

''(1) IN GENERAL.—Not later than one year after the date of enactment of this section, and at least once every 3 years thereafter, the Secretary of Transportation, acting through the Administrator of the Maritime Administration, shall publish in the Federal Register a plan that describes the demonstration, research, and multistate project priorities of the Department of Transportation concerning merchant mariner recruitment, training, and retention for the 3-year period following the date of publication of the plan.

''(2) CONTENTS.—A plan published under paragraph (1) shall contain strategies and identify potential projects to address merchant mariner recruitment, training, and retention issues in the United States.

''(3) FACTORS.—In developing a plan under paragraph (1), the Secretary shall take into account, at a minimum—

''(A) the availability of existing research (as of the date of publication of the plan);

''(B) the need to ensure results that have broad applicability;

''(C) the benefits of economies of scale and the efficiency of potential projects; and

''(D) the likelihood that the results of potential projects will be useful to policymakers and stakeholders in addressing merchant mariner recruitment, training, and retention issues.

''(4) CONSULTATION.—In developing a plan under paragraph (1), the Secretary shall consult with representatives of the maritime industry, labor organizations, and other governmental entities and parties with an interest in the maritime industry.

''(5) TRANSMITTAL TO CONGRESS.—The Secretary shall transmit copies of a plan published under paragraph (1) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(b) DEMONSTRATION PROJECTS.—

''(1) IN GENERAL.—The Secretary may award grants to a maritime training institution to carry out demonstration projects that implement the priorities identified in the plan prepared under subsection (a)(1), for the purpose of developing and implementing methods to address merchant mariner recruitment, training, and retention issues.

''(2) GRANT AWARDS.—Grants shall be awarded under this subsection on a competitive basis under guidelines and requirements to be established by the Secretary.

''(3) APPLICATIONS.—To be eligible to receive a grant for a project under this subsection, a maritime training institution shall submit to the Secretary a grant proposal that includes, at a minimum—

''(A) information demonstrating the estimated effectiveness of the project; and

''(B) a method for evaluating the effectiveness of the project.

''(4) ELIGIBLE PROJECTS.—Projects eligible for grants under this subsection may include—

''(A) the establishment of maritime technology skill centers developed through local partnerships of industry, labor, education, community-based organizations, economic development organizations, or Federal, State, and local government agencies to meet unmet skills needs of the maritime industry;

''(B) projects that provide training to upgrade the skills of workers who are employed in the maritime industry;

''(C) projects that promote the use of distance learning, enabling students to take courses through the use of media technology, such as videos, teleconferencing, and the Internet;

''(D) projects that assist in providing services to address maritime recruitment and training of youth residing in targeted high poverty areas within empowerment zones and enterprise communities;

''(E) the establishment of partnerships with national and regional organizations with special expertise in developing, organizing, and administering merchant mariner recruitment and training services; and

''(F) the establishment of maritime training programs that foster technical skills and operational productivity in communities in which economies are related to or dependent upon the maritime industry.

''(c) PROJECTS AUTHORIZED.—

''(1) PROJECTS.—The Secretary may award grants to carry out projects identified in a plan published under subsection (a)(1) under which the project sponsor will—

''(A) design, develop, and test an array of approaches to providing recruitment, training, or retention services to one or more targeted populations;

''(B) in conjunction with employers, organized labor, other groups (such as community coalitions), and Federal, State, or local agencies, design, develop, and test various training approaches in order to determine effective practices; or

''(C) assist in the development and replication of effective service delivery strategies for the national maritime industry as a whole.

''(2) RESEARCH PROJECTS.—The Secretary may award grants to carry out research projects identified in a plan published under subsection (a)(1) that will contribute to the solution of maritime industry recruitment, training, and retention issues in the United States.

''(3) MULTISTATE OR REGIONAL PROJECTS.—The Secretary may award grants to carry out multistate or regional projects identified in a plan published under subsection (a)(1) to effectively disseminate best practices and models for implementing maritime recruitment, training, and retention services designed to address industry-wide skill shortages.

''(4) GRANT AWARDS.—Grants shall be awarded under this subsection on a competitive basis under guidelines and requirements to be established by the Secretary.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2010 through 2015—

''(1) $10,000,000 for making grants under this section; and

''(2) $1,000,000 for administrative expenses of the Secretary in carrying out this section.''.

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

''51705. Maritime career training loan program.
''51706. Maritime recruitment, training, and retention grant program.''.

TITLE VII—COAST GUARD MODERNIZATION

SEC. 701. SHORT TITLE.

This title may be cited as the ''Coast Guard Modernization Act of 2009''.

Subtitle A—Coast Guard Leadership

SEC. 711. ADMIRALS AND VICE ADMIRALS.

(a) ADMIRALS.—Section 41 of title 14, United States Code, is amended by striking ''an admiral,'' and inserting ''admirals;''.

(b) VICE COMMANDANT.—Section 47 of title 14, United States Code, is amended—

(1) in the section heading by striking ''**assignment**'' and inserting ''**appointment**''; and

(2) in the text by striking ''vice admiral'' and inserting ''admiral''.

(c) VICE ADMIRALS.—

(1) IN GENERAL.—Section 50 of title 14, United States Code, is amended to read as follows:

''§ 50. Vice admirals

''(a)(1) The President may designate 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 any duties as the Commandant may prescribe.

''(2) The 4 vice admiral positions authorized under paragraph (1) are, respectively, the following:

''(A) The Deputy Commandant for Mission Support.

''(B) The Deputy Commandant for Operations and Policy.

''(C) The Commander, Force Readiness Command.

''(D) The Commander, Operations Command.

''(3) 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 each of the positions designated under paragraph (1) an officer of the Coast Guard who is serving on active duty above the grade of captain. The Commandant shall make recommendations for those appointments.

''(4)(A) Except as provided in subparagraph (B), the Deputy Commandant for Operations and Policy 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.

''(B) The requirements of subparagraph (A) do not apply to such Deputy Commandant if the subordinate officer serving in the grade of rear admiral with responsibilities for marine safety, security, and stewardship possesses that experience.

''(b)(1) The appointment and the grade of vice admiral under this section 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 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 to carry out effectively the duties and responsibilities of that position.''.

(2) APPLICATION OF DEPUTY COMMANDANT QUALIFICATION REQUIREMENT.—The requirement under section 50(a)(4)(A) of title 14, United States Code, as amended by this subsection, shall apply on and after October 1, 2011.

(d) REPEAL.—Section 50a of title 14, United States Code, is repealed.

(e) CONFORMING AMENDMENT.—Section 51 of that title is amended—

(1) by amending subsections (a), (b), and (c) to read as follows:

''(a) An officer, other than the Commandant, who, while serving in the grade of admiral or 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 admiral or vice admiral, or who, after serving at least two and one-half years in the grade of admiral or 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 two and one-half years in the grade of admiral or vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade.''; and

(2) in subsection (d)(2) by striking ''Area Commander, or Chief of Staff'' and inserting ''or Vice Admirals''.

(f) CONTINUITY OF GRADE.—Section 52 of title 14, United States Code, is amended—

(1) in the section heading by inserting ''**and admirals**'' after ''**Vice admirals**''; and

(2) in the text by inserting ''or admiral'' after ''vice admiral'' the first time that term appears.

(g) 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 or 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 in the grade of rear admiral.''.

(h) TREATMENT OF INCUMBENTS; TRANSITION.—

(1) VICE COMMANDANT.—Notwithstanding any other provision of law, the officer who, on the date of enactment of this Act, is serving in the Coast Guard as Vice Commandant—

(A) shall continue to serve as Vice Commandant;

(B) shall have the grade of admiral with pay and allowances of that grade; and

(C) shall not be required to be reappointed by reason of the enactment of this Act.

(2) CHIEF OF STAFF, COMMANDER, ATLANTIC AREA, OR COMMANDER, PACIFIC AREA.—Notwithstanding any other provision of law, an officer

who, on the date of enactment of this Act, is serving in the Coast Guard 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 or her duties and appointed and confirmed to another position as a vice admiral or admiral; and

(B) for the purposes of transition, may continue, for not more than one 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.

(i) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 3 of title 14, United States Code, 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 50 and inserting the following:

''50. Vice admirals.'';

(C) by striking the item relating to section 50a; and

(D) by striking the item relating to section 52 and inserting the following:

''52. Vice admirals and admirals, continuity of grade.''.

(j) TECHNICAL CORRECTION.—Section 47 of title 14, United States Code, is further amended in the fifth sentence by striking ''subsection'' and inserting ''section''.

Subtitle B—Marine Safety Administration

SEC. 721. MARINE SAFETY.

(a) ESTABLISH MARINE SAFETY AS A COAST GUARD FUNCTION.—Chapter 5 of title 14, United States Code, is further amended by adding at the end the following new section:

''§ 101. Marine safety

''To protect life, property, and the environment on, under, and over waters subject to the jurisdiction of the United States and on vessels subject to the jurisdiction of the United States, the Commandant shall promote maritime safety as follows:

''(1) By taking actions necessary and in the public interest to protect such life, property, and the environment.

''(2) Based on the following priorities:

''(A) Preventing marine casualties and threats to the environment.

''(B) Minimizing the impacts of marine casualties and environmental threats.

''(C) Maximizing lives and property saved and environment protected in the event of a marine casualty.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is further amended by adding at the end the following new item:

''101. Marine safety.''.

SEC. 722. MARINE SAFETY STAFF.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is further amended by adding at the end the following new sections:

''§ 57. Marine safety workforce

''(a) DESIGNATION OF MARINE SAFETY WORKFORCE.—

''(1) IN GENERAL.—The Secretary, acting through the Commandant, shall designate those positions in the Coast Guard that constitute the marine safety workforce.

''(2) REQUIRED POSITIONS.—In designating positions under paragraph (1), the Secretary shall include, at a minimum, the following marine safety-related positions:

''(A) Program oversight.

''(B) Vessel and facility inspection.

''(C) Casualty investigation.

''(D) Pollution investigation.

''(E) Merchant Mariner licensing, documentation, and registry.

''(F) Marine safety engineering or other technical activities.

''(3) MARINE SAFETY MANAGEMENT HEADQUARTER ACTIVITIES.—The Secretary shall also designate under paragraph (1) those marine safety-related positions located at Coast Guard headquarters units, including the Marine Safety Center and the National Maritime Center.

''(b) 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 careers in marine safety 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 marine safety positions. The Secretary shall make available published information on such career paths.

''(c) QUALIFICATIONS.—With regard to the marine safety workforce, 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 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.

''(d) APPRENTICESHIP REQUIREMENT.—Any officer, member, or employee of the Coast Guard in training to become a marine inspector, marine casualty investigator, or a marine safety engineer shall serve a minimum of one-year apprenticeship, unless otherwise directed by the Commandant, under the guidance of a qualified marine inspector, marine casualty investigator, or marine safety engineer. The Commandant may authorize shorter apprenticeship periods for certain qualifications, as appropriate.

''(e) BALANCED WORKFORCE POLICY.—In the development of marine safety workforce policies under this section with respect to any civilian employees or applicants for employment with the Coast Guard, the Secretary shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

''(f) MANAGEMENT INFORMATION SYSTEM.—The Secretary, acting through the Commandant, shall establish a management information system for the marine safety workforce that shall provide, at a minimum, the following standardized information on persons serving in marine safety positions:

''(1) Qualifications, assignment history, and tenure in assignments of persons in the marine safety workforce.

''(2) Promotion rates for military and civilian personnel in the marine safety workforce.

''(g) 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.

''(h) SECTOR CHIEF OF MARINE SAFETY.—

''(1) IN GENERAL.—There shall be in each Coast Guard sector a Chief of Marine Safety 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—

''(A) marine inspector, qualified to inspect vessels, vessel systems, and equipment commonly found in the sector; and

''(B) qualified marine casualty investigator.

''(2) FUNCTIONS.—The Chief of Marine Safety for a sector—

''(A) is responsible for all individuals who, on behalf of the Coast Guard, inspect or examine vessels, conduct marine casualty investigations; and

''(B) if not the Coast Guard officer in command of that sector, is the principal advisor to the Sector Commander regarding marine safety matters in that sector.

''(i) SIGNATORIES OF LETTER OF QUALIFICATION.—Each individual signing a letter of qualification for marine safety personnel must hold a letter of qualification for the type being certified.

''§ 58. Centers of Expertise for Marine Safety

''(a) ESTABLISHMENT.—The Commandant of the Coast Guard may establish and operate one or more Centers of Expertise for Marine Safety (in this section referred to as a 'Center').

''(b) MISSIONS.—The Centers shall—

''(1) be used to provide and facilitate education, training, and research in marine safety including vessel inspection and causality investigation;

''(2) develop a repository of information on marine safety; 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. Marine safety workforce.

''58. Centers of Expertise for Marine Safety.

''59. Marine industry training program.''.

SEC. 723. 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 and the Assistant Commandant for Marine Safety shall jointly assess the progress of the Coast Guard toward achieving the goals set forth in subsection (b). The Commandant and the Assistant Commandant shall jointly convey their assessment to the employees of the Assistant Commandant 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. 724. 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)(4) 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. 725. 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. 726. 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. 727. 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 VIII—MARINE SAFETY

SEC. 801. SHORT TITLE.

This title may be cited as the ''Maritime Safety Act of 2009''.

SEC. 802. 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 ''; or''; 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.''.

(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 Maritime Safety Act of 2009 and except as provided in paragraph (4), the owner of a vessel eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (21)), 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.

''(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), (d), or (e) (other than paragraph (21)) and that qualifies to be documented with a fishery endorsement pursuant to section 203(g) or 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 203(g) or 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 203(g) or 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 Maritime Safety Act of 2009.

''(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) 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 amended—

(A) by inserting ''and'' after ''(United States official number 651041)'';

(B) by striking '', NORTHERN TRAVELER (United States official number 635986), and NORTHERN VOYAGER (United States official number 637398) (or a replacement vessel for the NORTHERN VOYAGER that complies with paragraphs (2), (5), and (6) of section 208(g) of this Act)''; and

(C) by striking '', in the case of the NORTHERN'' and all that follows through ''PHOENIX,''.

(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 Maritime Safety Act of 2009; 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. 803. 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 in Coast Guard District 17 over the preceding 5 years. The report shall include plans for conducting such training in fiscal years 2010 through 2013.

SEC. 804. 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 established 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 nonprofit 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.—Section 5102(b)(3) of title 46, United States Code, is amended by inserting after ''vessel'' the following '', unless the vessel is built or undergoes a major conversion completed after July 1, 2010''.

(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—

''(1) is built after July 1, 2010; or

''(2) undergoes a major conversion completed after that date.

''(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, 2010; and

''(C) is 25 years of age or older.

''(2) Alternative safety compliance programs may be developed for purposes of paragraph (1) for specific regions and fisheries.

''(3) 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, 2010, 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) of the title 46, United States Code, as amended by this section.

SEC. 805. 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 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. 806. 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. 807. 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. 808. 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. 809. 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. 810. 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. 811. 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. 812. 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 2009, 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. 813. OATHS.

Sections 7105 and 7305 of title 46, United States Code, and the items relating to such sections in the analysis for chapters 71 and 73 of such title, are repealed.

SEC. 814. DURATION OF CREDENTIALS.

(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. 815. FINGERPRINTING.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

"§ 7507. Fingerprinting

''The Secretary of the Department in which the Coast Guard is operating may not require an individual to be fingerprinted for the issuance or renewal of a license, a certificate of registry, or a merchant mariner's document under chapter 71 or 73 if the individual was fingerprinted when the individual applied for a transportation security card under section 70105.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

''7507. Fingerprinting.''.

SEC. 816. 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, as amended by section 815(a) of this title, is further amended by adding at the end the following:

"§ 7508. 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 71 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 71 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 71 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 71 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, as amended by section 815(b), is further amended by adding at the end the following:

''7508. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.''.

SEC. 817. MERCHANT MARINER DOCUMENTATION.

(a) INTERIM CLEARANCE PROCESS.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall develop an interim clearance process for issuance of a merchant mariner document to enable a newly hired seaman to begin working on an offshore supply vessel or towing vessel if the Secretary makes an initial determination that the seaman does not pose a safety and security risk.

(b) CONTENTS OF PROCESS.—The process under subsection (a) shall include a check against the consolidated and integrated terrorist watch list maintained by the Federal Government, review of the seaman's criminal record, and review of the results of testing the seaman for use of a dangerous drug (as defined in section 2101 of title 46, United States Code) in violation of law or Federal regulation.

SEC. 818. 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. 819. OFFSHORE SUPPLY VESSELS.

(a) DEFINITION.—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 inserting before the period at the end the following: ''of less than 500 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

(c) REMOVAL OF TONNAGE LIMITS.—

(1) ABLE SEAMEN-OFFSHORE SUPPLY VESSELS.—Section 7310 of title 46, United States Code, is amended by striking ''of 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''.

(2) SCALE OF EMPLOYMENT: ABLE SEAMEN.—Section 7312(d) of title 46, United States Code, is amended by striking ''of 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''.

(d) WATCHES.—Section 8104 of title 46, United States Code, is amended—

(1) in subsection (g), by inserting after ''offshore supply vessel'' the following: ''of less than 500 gross tons as measured under section 14502 of this title, or less than 6,000 gross tons as measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'';

(2) in subsection (d), by inserting ''(1)'' after ''(d)'', and by adding at the end the following:

''(2) Paragraph (1) does not apply 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 record-keeping of that service) prescribed by the Secretary.''; and

(3) in subsection (e), by striking ''subsection (d)'' and inserting ''subsection (d)(1)''.

(e) 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 6,000 gross tons, as measured under section 14302 of this title, on a voyage of less than 600 miles shall have at least one licensed mate. Such a vessel on a voyage of 600 miles or more shall have two licensed mates.

''(2) 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.

''(3) An offshore supply vessel shall have at least one mate. Additional mates on an offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of this title shall be prescribe in accordance with hours of service requirements (including recording and record-keeping of that service) prescribed by the Secretary.''.

(f) REGULATIONS.—

(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall promulgate regulations to implement the amendments enacted by this section and chapter 37 of title 46, United States Code, for offshore supply vessels of at least 6,000 gross tons, before January 1, 2010.

(2) INTERIM FINAL RULE AUTHORITY.—The Secretary shall issue an interim final rule as a temporary regulation implementing this section (including the amendments made by this section), and chapter 37 of title 46, United States Code, for offshore supply vessels of at least 6,000 gross tons, as soon as practicable after the date of enactment of this section, without regard to the provisions of chapter 5 of title 5, United States Code. All regulations prescribed under the authority of this paragraph that are not earlier superseded by final regulations shall expire not later than 1 year after the date of enactment of this Act.

(3) INITIATION OF RULEMAKING.—The Secretary may initiate a rulemaking to implement this section (including the amendments made by this section), and chapter 37 of title 46, United States Code, for offshore supply vessels of at least 6,000 gross tons, as soon as practicable after the date of enactment of this section. The final rule issued pursuant to that rulemaking may supersede the interim final rule promulgated under this subsection.

(4) INTERIM PERIOD.—After the date of enactment of this Act and prior to the effective date of the regulations promulgated to implement the amendments enacted by this section under paragraph (2), and notwithstanding the tonnage limits of applicable regulations promulgated prior to the date of enactment of this Act, the Secretary may—

(A) issue a certificate of inspection under section 3309 of title 46, United States Code, to an offshore supply vessel of at least 500 gross tons as measured under section 14502 of title 46, United States Code, or of at least 6,000 gross tons as measured under section 14302 of title 46, United States Code, if the Secretary determines that such vessel's arrangements, equipment, classification, and certifications provide for the safe carriage of individuals in addition to the crew and oil and hazardous substances, taking 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;

(B) for the purpose of enforcing chapter 37 of title 46, United States Code, use tank vessel standards for offshore supply vessels of at least

6,000 gross tons after considering the characteristics, methods of operation, and nature of the service of the vessel; and

(C) authorize a master, mate, or engineer whom the Secretary decides possesses the experience on an offshore supply vessel under 6,000 gross tons to serve on an offshore supply vessel over at least 6,000 gross tons.

SEC. 820. ASSOCIATED EQUIPMENT.

Section 2101(1)(B) of title 46, United States Code, is amended by inserting ''with the exception of emergency locator beacons,'' before ''does''.

SEC. 821. 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. 822. 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. 823. 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 to Establish a Towing Safety Advisory Committee in the Department of Transportation (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.''.

TITLE IX—CRUISE VESSEL SAFETY

SEC. 901. SHORT TITLE.

This title may be cited as the ''Cruise Vessel Security and Safety Act of 2009''.

SEC. 902. FINDINGS.

The Congress makes the following findings:

(1) There are approximately 200 overnight ocean-going cruise vessels worldwide. The average ocean-going cruise vessel carries 2,000 passengers with a crew of 950 people.

(2) In 2007 alone, approximately 12,000,000 passengers were projected to take a cruise worldwide.

(3) Passengers on cruise vessels have an inadequate appreciation of their potential vulnerability to crime while on ocean voyages, and those who may be victimized lack the information they need to understand their legal rights or to know whom to contact for help in the immediate aftermath of the crime.

(4) Sexual violence, the disappearance of passengers from vessels on the high seas, and other serious crimes have occurred during luxury cruises.

(5) Over the last 5 years, sexual assault and physical assaults on cruise vessels were the leading crimes investigated by the Federal Bureau of Investigation with regard to cruise vessel incidents.

(6) These crimes at sea can involve attacks both by passengers and crew members on other passengers and crew members.

(7) Except for United States flagged vessels, or foreign flagged vessels operating in an area subject to the direct jurisdiction of the United States, there are no Federal statutes or regulations that explicitly require cruise lines to report alleged crimes to United States Government officials.

(8) It is not known precisely how often crimes occur on cruise vessels or exactly how many people have disappeared during ocean voyages because cruise line companies do not make comprehensive, crime-related data readily available to the public.

(9) Obtaining reliable crime-related cruise data from governmental sources can be difficult, because multiple countries may be involved when a crime occurs on the high seas, including the flag country for the vessel, the country of citizenship of particular passengers, and any countries having special or maritime jurisdiction.

(10) It can be difficult for professional crime investigators to immediately secure an alleged

crime scene on a cruise vessel, recover evidence of an onboard offense, and identify or interview potential witnesses to the alleged crime.

(11) Most cruise vessels that operate into and out of United States ports are registered under the laws of another country, and investigations and prosecutions of crimes against passengers and crew members may involve the laws and authorities of multiple nations.

(12) The Coast Guard has found it necessary to establish 500-yard security zones around cruise vessels to limit the risk of terrorist attack. Recently piracy has dramatically increased throughout the world.

(13) To enhance the safety of cruise passengers, the owners of cruise vessels could upgrade, modernize, and retrofit the safety and security infrastructure on such vessels by installing peep holes in passenger room doors, installing security video cameras in targeted areas, limiting access to passenger rooms to select staff during specific times, and installing acoustic hailing and warning devices capable of communicating over distances.

SEC. 903. CRUISE VESSEL SECURITY AND SAFETY REQUIREMENTS.

(a) IN GENERAL.—Chapter 35 of title 46, United States Code, is amended by adding at the end the following:

"§3507. Passenger vessel security and safety requirements

''(a) VESSEL DESIGN, EQUIPMENT, CONSTRUCTION, AND RETROFITTING REQUIREMENTS.—

''(1) IN GENERAL.—Each vessel to which this subsection applies shall comply with the following design and construction standards:

''(A) The vessel shall be equipped with ship rails that are located not less than 42 inches above the cabin deck.

''(B) Each passenger stateroom and crew cabin shall be equipped with entry doors that include peep holes or other means of visual identification.

''(C) For any vessel the keel of which is laid after the date of enactment of the Cruise Vessel Security and Safety Act of 2009, each passenger stateroom and crew cabin shall be equipped with—

''(i) security latches; and

''(ii) time-sensitive key technology.

''(D) The vessel shall integrate technology that can be used for capturing images of passengers or detecting passengers who have fallen overboard, to the extent that such technology is available.

''(E) The vessel shall be equipped with a sufficient number of operable acoustic hailing or other such warning devices to provide communication capability around the entire vessel when operating in high risk areas (as defined by the United States Coast Guard).

''(2) FIRE SAFETY CODES.—In administering the requirements of paragraph (1)(C), the Secretary shall take into consideration fire safety and other applicable emergency requirements established by the U.S. Coast Guard and under international law, as appropriate.

''(3) EFFECTIVE DATE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the requirements of paragraph (1) shall take effect 18 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2009.

''(B) LATCH AND KEY REQUIREMENTS.—The requirements of paragraph (1)(C) take effect on the date of enactment of the Cruise Vessel Security and Safety Act of 2009.

''(b) VIDEO RECORDING.—

''(1) REQUIREMENT TO MAINTAIN SURVEILLANCE.—The owner of a vessel to which this section applies shall maintain a video surveillance system to assist in documenting crimes on the vessel and in providing evidence for the prosecution of such crimes, as determined by the Secretary.

''(2) ACCESS TO VIDEO RECORDS.—The owner of a vessel to which this section applies shall provide to any law enforcement official performing official duties in the course and scope of an investigation, upon request, a copy of all records of video surveillance that the official believes may provide evidence of a crime reported to law enforcement officials.

''(c) SAFETY INFORMATION.—The owner of a vessel to which this section applies shall provide in each passenger stateroom, and post in a location readily accessible to all crew and in other places specified by the Secretary, information regarding the locations of the United States embassy and each consulate of the United States for each country the vessel will visit during the course of the voyage.

''(d) SEXUAL ASSAULT.—The owner of a vessel to which this section applies shall—

''(1) maintain on the vessel adequate, in-date supplies of anti-retroviral medications and other medications designed to prevent sexually transmitted diseases after a sexual assault;

''(2) maintain on the vessel equipment and materials for performing a medical examination in sexual assault cases to evaluate the patient for trauma, provide medical care, and preserve relevant medical evidence;

''(3) make available on the vessel at all times medical staff who have undergone a credentialing process to verify that he or she—

''(A) possesses a current physician's or registered nurse's license and—

''(i) has at least 3 years of post-graduate or post-registration clinical practice in general and emergency medicine; or

''(ii) holds board certification in emergency medicine, family practice medicine, or internal medicine;

''(B) is able to provide assistance in the event of an alleged sexual assault, has received training in conducting forensic sexual assault examination, and is able to promptly perform such an examination upon request and provide proper medical treatment of a victim, including administration of anti-retroviral medications and other medications that may prevent the transmission of human immunodeficiency virus and other sexually transmitted diseases; and

''(C) meets guidelines established by the American College of Emergency Physicians relating to the treatment and care of victims of sexual assault;

''(4) prepare, provide to the patient, and maintain written documentation of the findings of such examination that is signed by the patient; and

''(5) provide the patient free and immediate access to—

''(A) contact information for local law enforcement, the Federal Bureau of Investigation, the United States Coast Guard, the nearest United States consulate or embassy, and the National Sexual Assault Hotline program or other third party victim advocacy hotline service; and

''(B) a private telephone line and Internet-accessible computer terminal by which the individual may confidentially access law enforcement officials, an attorney, and the information and support services available through the National Sexual Assault Hotline program or other third party victim advocacy hotline service.

''(e) CONFIDENTIALITY OF SEXUAL ASSAULT EXAMINATION AND SUPPORT INFORMATION.—The master or other individual in charge of a vessel to which this section applies shall—

''(1) treat all information concerning an examination under subsection (d) confidential, so that no medical information may be released to the cruise line or other owner of the vessel or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin, except that nothing in this paragraph prohibits the release of—

''(A) information, other than medical findings, necessary for the owner or master of the vessel to comply with the provisions of subsection (g) or other applicable incident reporting laws;

''(B) information to secure the safety of passengers or crew on board the vessel; or

''(C) any information to law enforcement officials performing official duties in the course and scope of an investigation; and

''(2) treat any information derived from, or obtained in connection with, post-assault counseling or other supportive services confidential, so no such information may be released to the cruise line or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin.

''(f) CREW ACCESS TO PASSENGER STATEROOMS.—The owner of a vessel to which this section applies shall—

''(1) establish and implement procedures and restrictions concerning—

''(A) which crew members have access to passenger staterooms; and

''(B) the periods during which they have that access; and

''(2) ensure that the procedures and restrictions are fully and properly implemented and periodically reviewed.

''(g) LOG BOOK AND REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—The owner of a vessel to which this section applies shall—

''(A) record in a log book, either electronically or otherwise, in a centralized location readily accessible to law enforcement personnel, a report on—

''(i) all complaints of crimes described in paragraph (3)(A)(i),

''(ii) all complaints of theft of property valued in excess of $1,000, and

''(iii) all complaints of other crimes,

committed on any voyage that embarks or disembarks passengers in the United States; and

''(B) make such log book available upon request to any agent of the Federal Bureau of Investigation, any member of the United States Coast Guard, and any law enforcement officer performing official duties in the course and scope of an investigation.

''(2) DETAILS REQUIRED.—The information recorded under paragraph (1) shall include, at a minimum—

''(A) the vessel operator;

''(B) the name of the cruise line;

''(C) the flag under which the vessel was operating at the time the reported incident occurred;

''(D) the age and gender of the victim and the accused assailant;

''(E) the nature of the alleged crime or complaint, as applicable, including whether the alleged perpetrator was a passenger or a crew member;

''(F) the vessel's position at the time of the incident, if known, or the position of the vessel at the time of the initial report;

''(G) the time, date, and method of the initial report and the law enforcement authority to which the initial report was made;

''(H) the time and date the incident occurred, if known;

''(I) the total number of passengers and the total number of crew members on the voyage; and

''(J) the case number or other identifier provided by the law enforcement authority to which the initial report was made.

''(3) REQUIREMENT TO REPORT CRIMES AND OTHER INFORMATION.—

''(A) IN GENERAL.—The owner of a vessel to which this section applies (or the owner's designee)—

''(i) shall contact the nearest Federal Bureau of Investigation Field Office or Legal Attache by telephone as soon as possible after the occurrence on board the vessel of an incident involving homicide, suspicious death, a missing United States national, kidnapping, assault with serious bodily injury, any offense to which section 2241, 2242, 2243, or 2244 (a) or (c) of title 18 applies, firing or tampering with the vessel, or

theft of money or property in excess of $10,000 to report the incident;

''(ii) shall furnish a written report of the incident to the Secretary via an Internet based portal;

''(iii) may report any serious incident that does not meet the reporting requirements of clause (i) and that does not require immediate attention by the Federal Bureau of Investigation via the Internet based portal maintained by the Secretary of Transportation; and

''(iv) may report any other criminal incident involving passengers or crew members, or both, to the proper State or local government law enforcement authority.

''(B) INCIDENTS TO WHICH SUBPARAGRAPH (A) APPLIES.—Subparagraph (A) applies to an incident involving criminal activity if—

''(i) the vessel, regardless of registry, is owned, in whole or in part, by a United States person, regardless of the nationality of the victim or perpetrator, and the incident occurs when the vessel is within the admiralty and maritime jurisdiction of the United States and outside the jurisdiction of any State;

''(ii) the incident concerns an offense by or against a United States national committed outside the jurisdiction of any nation;

''(iii) the incident occurs in the Territorial Sea of the United States, regardless of the nationality of the vessel, the victim, or the perpetrator; or

''(iv) the incident concerns a victim or perpetrator who is a United States national on a vessel during a voyage that departed from or will arrive at a United States port.

''(4) AVAILABILITY OF INCIDENT DATA VIA INTERNET.—

''(A) WEBSITE.—The Secretary of Transportation shall maintain a statistical compilation of all incidents described in paragraph (3)(A)(i) on an Internet site that provides a numerical accounting of the missing persons and alleged crimes recorded in each report filed under paragraph (3)(A)(i) that are no longer under investigation by the Federal Bureau of Investigation. The data shall be updated no less frequently than quarterly, aggregated by—

''(i) cruise line, with each cruise line identified by name; and

''(ii) whether each crime was committed by a passenger or a crew member.

''(B) ACCESS TO WEBSITE.—Each cruise line taking on or discharging passengers in the United States shall include a link on its Internet website to the website maintained by the Secretary under subparagraph (A).

''(h) ENFORCEMENT.—

''(1) PENALTIES.—

''(A) CIVIL PENALTY.—Any person that violates this section or a regulation under this section shall be liable for a civil penalty of not more than $25,000 for each day during which the violation continues, except that the maximum penalty for a continuing violation is $50,000.

''(B) CRIMINAL PENALTY.—Any person that willfully violates this section or a regulation under this section shall be fined not more than $250,000 or imprisoned not more than 1 year, or both.

''(2) DENIAL OF ENTRY.—The Secretary may deny entry into the United States to a vessel to which this section applies if the owner of the vessel—

''(A) commits an act or omission for which a penalty may be imposed under this subsection; or

''(B) fails to pay a penalty imposed on the owner under this subsection.

''(i) PROCEDURES.—Within 6 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2009, the Secretary shall issue guidelines, training curricula, and inspection and certification procedures necessary to carry out the requirements of this section.

''(j) REGULATIONS.—The Secretary of Transportation and the Commandant shall each issue such regulations as are necessary to implement this section.

''(k) APPLICATION.—

''(1) IN GENERAL.—This section and section 3508 apply to a passenger vessel (as defined in section 2101(22)) that—

''(A) is authorized to carry at least 250 passengers;

''(B) has onboard sleeping facilities for each passenger;

''(C) is on a voyage that embarks or disembarks passengers in the United States; and

''(D) is not engaged on a coastwise voyage.

''(2) FEDERAL AND STATE VESSELS.—This section and section 3508 do not apply to a vessel that is owned and operated by the United States Government or a vessel that is owned and operated by a State.

''(l) OWNER DEFINED.—In this section and section 3508, the term 'owner' means the owner, charterer, managing operator, master, or other individual in charge of a vessel.

''§3508. Crime scene preservation training for passenger vessel crew members

''(a) IN GENERAL.—Within 1 year after the date of enactment of the Cruise Vessel Security and Safety Act of 2009, the Secretary, in consultation with the Director of the Federal Bureau of Investigation and the Maritime Administrator, shall develop training standards and curricula to allow for the certification of passenger vessel security personnel, crew members, and law enforcement officials on the appropriate methods for prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment. The Administrator of the Maritime Administration may certify organizations in the United States and abroad that offer the curriculum for training and certification under subsection (c).

''(b) MINIMUM STANDARDS.—The standards established by the Secretary under subsection (a) shall include—

''(1) the training and certification of vessel security personnel, crew members, and law enforcement officials in accordance with accepted law enforcement and security guidelines, policies, and procedures, including recommendations for incorporating a background check process for personnel trained and certified in foreign countries;

''(2) the training of students and instructors in all aspects of prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment; and

''(3) the provision or recognition of off-site training and certification courses in the United States and foreign countries to develop and provide the required training and certification described in subsection (a) and to enhance security awareness and security practices related to the preservation of evidence in response to crimes on board passenger vessels.

''(c) CERTIFICATION REQUIREMENT.—Beginning 2 years after the standards are established under subsection (b), no vessel to which this section applies may enter a United States port on a voyage (or voyage segment) on which a United States citizen is a passenger unless there is at least 1 crew member onboard who is certified as having successfully completed training in the prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment on passenger vessels under subsection (a).

''(d) INTERIM TRAINING REQUIREMENT.—No vessel to which this section applies may enter a United States port on a voyage (or voyage segment) on which a United States citizen is a passenger unless there is at least 1 crew member onboard who has been properly trained in the prevention, detection, evidence preservation and the reporting requirements of criminal activities in the international maritime environment. The owner of such a vessel shall maintain certification or other documentation, as prescribed by the Secretary, verifying the training of such individual and provide such documentation upon request for inspection in connection with enforcement of the provisions of this section. This subsection shall take effect 1 year after the date of enactment of the Cruise Vessel Safety and Security Act of 2009 and shall remain in effect until superseded by the requirements of subsection (c).

''(e) CIVIL PENALTY.—Any person that violates this section or a regulation under this section shall be liable for a civil penalty of not more than $50,000.

''(f) DENIAL OF ENTRY.—The Secretary may deny entry into the United States to a vessel to which this section applies if the owner of the vessel—

''(1) commits an act or omission for which a penalty may be imposed under subsection (e); or

''(2) fails to pay a penalty imposed on the owner under subsection (e).''.

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

''3507. Passenger vessel security and safety requirements.

''3508. Crime scene preservation training for passenger vessel crew members.''.

SEC. 904. STUDY AND REPORT ON THE SECURITY NEEDS OF PASSENGER VESSELS.

(a) IN GENERAL.—Within 3 months after the date of enactment of this Act, the Secretary of the department in which the United States Coast Guard is operating shall conduct a study of the security needs of passenger vessels depending on number of passengers on the vessels, and report to the Congress findings of the study and recommendations for improving security on those vessels.

(b) REPORT CONTENTS.—In recommending appropriate security on those vessels, the report shall take into account typical crew member shifts, working conditions of crew members, and length of voyages.

TITLE X—UNITED STATES MARINER PROTECTION

SEC. 1001. SHORT TITLE.

This title may be cited as the ''United States Mariner and Vessel Protection Act of 2009''.

SEC. 1002. USE 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

''An owner, operator, time charterer, master, or mariner 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 any injury or death caused by such force to any person participating in the act of piracy.''.

(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.''.

SEC. 1003. AGREEMENTS.

To carry out the purpose of this title, 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 acts of 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 section 8107 of title 46, United States Code, as amended by this title.

TITLE XI—PORT SECURITY

SEC. 1101. MARITIME HOMELAND SECURITY PUBLIC AWARENESS PROGRAM.

The Secretary of Homeland Security shall establish a program to help prevent acts of terrorism and other activities that jeopardize maritime homeland security, by seeking the cooperation of the commercial and recreational boating

industries and the public to improve awareness of activity in the maritime domain and report suspicious or unusual activity.

SEC. 1102. 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 the Committee on Homeland Security and Governmental Affairs 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, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of the report's findings and recommendations.

SEC. 1103. REVIEW OF INTERAGENCY OPERATIONAL CENTERS.

(a) IN GENERAL.—Within 180 days of enactment of this Act, the Department of Homeland Security Inspector General shall provide a report to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Commerce, Science, and Transportation of the Senate concerning the establishment of Interagency Operational Centers for Port Security required by section 108 of the SAFE Port Act (Public Law 109–347).

(b) REPORT.—The report shall include—

(1) an examination of the Department's efforts to establish the Interagency Operational Centers;

(2) a timeline for construction;

(3) a detailed breakdown, by center, as to the incorporation of those representatives required by section 70107A(b)(3) of title 46, United States Code;

(4) an analysis of the hurdles faced by the Department in developing these centers;

(5) information on the number of security clearances attained by State, local, and tribal officials participating in the program; and

(6) an examination of the relationship between the Interagency Operational Centers and State, local and regional fusion centers participating in the Department of Homeland Security's State, Local, and Regional Fusion Center Initiative under section 511 of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53), with a particular emphasis on—

(A) how the centers collaborate and coordinate their efforts; and

(B) the resources allocated by the Coast Guard to both initiatives.

SEC. 1104. MARITIME SECURITY RESPONSE TEAMS.

(a) IN GENERAL.—Section 70106 of title 46, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) MARITIME SECURITY RESPONSE TEAMS.—

''(1) IN GENERAL.—In addition to the maritime safety and security teams, the Secretary shall establish no less than two maritime security response teams to act as the Coast Guard's rapidly deployable counterterrorism and law enforcement response units that can apply advanced interdiction skills in response to threats of maritime terrorism.

''(2) MINIMIZATION OF RESPONSE TIME.—The maritime security response teams shall be stationed in such a way to minimize, to the extent practicable, the response time to any reported maritime terrorist threat.

''(d) COORDINATION WITH OTHER AGENCIES.—To the maximum extent feasible, each maritime safety and security team and maritime security response team shall coordinate its activities with other Federal, State, and local law enforcement and emergency response agencies.''.

SEC. 1105. 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 240 days after the date of enactment of this Act, 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—

(A) 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;

(B) support expansion and upgrading of existing canine training facilities operated by the department in which the Coast Guard is operating; and

(C) as appropriate, partner with other Federal, State, or local agencies, nonprofit organizations, universities, or the private sector to increase the breeding and training capacity for Coast Guard canine detection teams.

(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).

(d) AUTHORIZATION.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section for fiscal years 2008 through 2012.

SEC. 1106. COAST GUARD PORT ASSISTANCE PROGRAM.

(a) IN GENERAL.—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;

''(B) to assist the port or facility in meeting standards established under section 70109A of this chapter; and

''(C) to assist the port or facility in exceeding the standards described in subparagraphs (A) and (B).

''(2) CONDITIONS.—The Secretary—

''(A) shall 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 otherwise to bring the port or facility into compliance with those standards and to maintain compliance with them;

''(B) may not provide such assistance unless the port or facility has been subjected to a comprehensive port security assessment by the Coast Guard or a third party entity certified by the Secretary under section 70110A(b) to validate foreign port or facility compliance with International Ship and Port Facility Code standards; 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.''.

(b) 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) The chapter analysis 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. 1107. MARITIME BIOMETRIC IDENTIFICATION.

(a) IN GENERAL.—Within one year after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, 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) COST ANALYSIS.—Within 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations and Homeland Security of the House of Representatives and the Committees on Appropriations and Homeland Security and Governmental Affairs of the Senate an analysis of the cost of expanding the Coast Guard's biometric identification capabilities for use by the Coast Guards 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) DEFINITION.—For the purposes of this section, the term ''biometric identification'' means

use of fingerprint and digital photography images.

SEC. 1108. REVIEW OF POTENTIAL THREATS.

Not later than 1 year after the date of enactment of this Act, 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 and the Committee on Commerce, Science, and Transportation of the Senate a report analyzing the threat, vulnerability, and consequence of a terrorist attack on gasoline and chemical cargo shipments in port activity areas in the United States.

SEC. 1109. PORT SECURITY PILOT.

The Secretary of Homeland Security shall establish a pilot program to test and deploy preventive radiological or nuclear detection equipment on Coast Guard vessels and other locations in select port regions to enhance border security and for other purposes. The pilot program shall leverage existing Federal grant funding to support this program and the procurement of additional equipment.

SEC. 1110. SEASONAL WORKERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the effects that the Transportation Worker Identification Card (in this section referred to as ''TWIC'') required by section 70105 of title 46, United States Code, has on companies that employ seasonal employees.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report 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 on the results of the study, including—

(1) costs associated in requiring seasonal employees to obtain TWIC cards on companies;

(2) whether the Coast Guard and Transportation Security Administration are processing TWIC applications quickly enough for seasonal workers to obtain TWIC certification;

(3) whether TWIC compliance costs or other factors have led to a reduction in service;

(4) the impact of TWIC on the recruiting and hiring of seasonal and other temporary employees; and

(5) an assessment of possible alternatives to TWIC certification that may be used for seasonal employees including any security vulnerabilities created by those alternatives.

SEC. 1111. COMPARATIVE RISK ASSESSMENT OF VESSEL-BASED AND FACILITY-BASED LIQUEFIED NATURAL GAS REGASIFICATION PROCESSES.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall enter into an arrangement for the performance of an independent study to conduct a comparative risk assessment examining the relative safety and security risk associated with vessel-based and facility-based liquefied natural gas regasification processes conducted within 3 miles from land versus such processes conducted more than 3 miles from land.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary Homeland Security, acting through the Commandant, shall provide a report on the findings and conclusions of the study required by this section to the Committees on Homeland Security, Transportation and Infrastructure, and Energy and Commerce of the House of Representatives, and the Committees on Homeland Security and Governmental Affairs and Commerce, Science, and Transportation of the Senate.

SEC. 1112. 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, to be fingerprinted at any facility operated by or under contract with an agency of the Department of Homeland Security that fingerprints the public for the Department.

(b) EXPIRATION.—This section expires on December 31, 2012.

SEC. 1113. 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. 1114. INTERNATIONAL LABOR STUDY.

The Comptroller General of the United States shall conduct a study of methods to conduct a background security investigation of an individual who possesses a biometric identification card that complies with International Labor Convention number 185 that are equivalent to the investigation conducted on individuals applying for a visa to enter the United States. The Comptroller General shall submit a report on the study within 180 days after the date of enactment of this Act 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.

SEC. 1115. 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 ''2010;'';

(B) by repealing paragraph (2);

(C) by striking ''(1)''; and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2).

SEC. 1116. 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. 1117. WATERSIDE SECURITY AROUND ESPECIALLY HAZARDOUS MATERIAL TERMINALS AND TANKERS.

(a) ENFORCEMENT OF SECURITY ZONES.—Consistent with other provisions of Federal law, any security zone established by the Coast Guard around a tanker containing an especially hazardous material shall be enforced by the Coast Guard. If the Coast Guard must enforce multiple simultaneous security zones, the Coast Guard shall allocate resources so as to deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code).

(b) LIMITATION ON RELIANCE ON STATE AND LOCAL GOVERNMENT.—Any security arrangement approved as part of a facility security plan approved after the date of enactment of this Act under section 70103 of title 46, United States Code, to assist in the enforcement of any security zone established by the Coast Guard around a tanker containing an especially hazardous material, or around an especially hazardous material terminal on or adjacent to the navigable waters of the United States and served by tankers carrying especially hazardous materials, may not be based upon the provision of security by a State or local government unless the State or local government has entered into a contract, cooperative agreement, or other arrangement with the terminal operator to provide such services and the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, ensures that the waterborne patrols operated as part of that security arrangement by a State or local government have the training, resources, personnel, equipment, and experience necessary to deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code).

(c) DETERMINATION REQUIRED FOR NEW TERMINALS.—The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, may not approve a facility security plan under section 70103 of title 46, United States Code, for a new especially hazardous material terminal the construction of which is begun after the date of enactment of this Act unless the Secretary determines that the Coast Guard sector in which the terminal is located has available the resources, including State and local government resources in accordance with subsection (b), to carry out the navigation and maritime security risk management measures identified by the Coast Guard pursuant to the Ports and Waterways Safety Act.

(d) ESPECIALLY HAZARDOUS MATERIAL DEFINED.—The term ''especially hazardous material'' means anhydrous ammonia, ammonium nitrate, chlorine, liquefied natural gas, liquefied petroleum gas, and any other substance identified by the Secretary of the department in which the Coast Guard is operating as an especially hazardous material.

SEC. 1118. REVIEW OF LIQUEFIED NATURAL GAS FACILITIES.

(a) NOTICE OF DETERMINATION.—Consistent with other provisions of law, the Secretary of Homeland Security must notify the Federal Energy Regulatory Commission when a determination is made that the waterway to a proposed waterside liquefied natural gas facility is suitable or unsuitable for the marine traffic associated with such facility.

(b) FEDERAL ENERGY REGULATORY COMMISSION RESPONSE.—The Federal Energy Regulatory Commission shall respond to the Secretary's determination under subsection (a) by informing the Secretary within 90 days of notification or at the conclusion of any available appeal process, whichever is later, of what action the Commission has taken, pursuant to its authorities under the Natural Gas Act, regarding a proposal to construct and operate a waterside liquefied natural gas facility subject to a determination made under subsection (a).

SEC. 1119. USE OF SECONDARY AUTHENTICATION FOR TRANSPORTATION SECURITY CARDS.

The Secretary of Homeland Security may use a secondary authentication system for individuals applying for transportation security cards when fingerprints are not able to be taken or read to enhance transportation security.

SEC. 1120. REPORT ON STATE AND LOCAL LAW ENFORCEMENT AUGMENTATION OF COAST GUARD RESOURCES WITH RESPECT TO SECURITY ZONES AND UNITED STATES PORTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committees on Transportation and Infrastructure and Homeland Security of the House of Representatives and the Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate a report on the extent to which State and local law enforcement entities are augmenting Coast Guard resources by enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports and conducting port security patrols. At a minimum, the report shall specify–

(1) 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;

(2) 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 provided through these agreements;

(3) 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 (as that term is defined in section 70101 of title 46, United States Code);

(4) the extent to which the Coast Guard has assessed the ability of State and local law enforcement entities to carry out the security assignments which 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 these entities can deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code);

(5) 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 (as that term is defined in section 70101 of title 46, United States Code);

(6) 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

(7) 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.

SEC. 1121. ASSESSMENT OF TRANSPORTATION SECURITY CARD ENROLLMENT SITES.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security 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 September 23, 2009; 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.

TITLE XII—ALIEN SMUGGLING

SEC. 1201. SHORT TITLE.

This title may be cited as the ''Alien Smuggling and Terrorism Prevention Act of 2009''.

SEC. 1202. FINDINGS.

The Congress makes the following findings:

(1) Alien smuggling by land, air and sea is a transnational crime that violates the integrity of United States borders, compromises our Nation's sovereignty, places the country at risk of terrorist activity, and contravenes the rule of law.

(2) Aggressive enforcement activity against alien smuggling is needed to protect our borders and ensure the security of our Nation. The border security and anti-smuggling efforts of the men and women on the Nation's front line of defense are to be commended. Special recognition is due the Department of Homeland Security through the United States Border Patrol, United States Coast Guard, Customs and Border Protection, and Immigration and Customs Enforcement, and the Department of Justice through the Federal Bureau of Investigation.

(3) The law enforcement community must be given the statutory tools necessary to address this security threat. Only through effective alien smuggling statutes can the Justice Department, through the United States Attorneys' Offices and the Domestic Security Section of the Criminal Division, prosecute these cases successfully.

(4) Alien smuggling has a destabilizing effect on border communities. State and local law enforcement, medical personnel, social service providers, and the faith community play important roles in combating smuggling and responding to its effects.

(5) Existing penalties for alien smuggling are insufficient to provide appropriate punishment for alien smugglers.

(6) Existing alien smuggling laws often fail to reach the conduct of alien smugglers, transporters, recruiters, guides, and boat captains.

(7) Existing laws concerning failure to heave to are insufficient to appropriately punish boat operators and crew who engage in the reckless transportation of aliens on the high seas and seek to evade capture.

(8) Much of the conduct in alien smuggling rings occurs outside of the United States. Extraterritorial jurisdiction is needed to ensure that smuggling rings can be brought to justice for recruiting, sending, and facilitating the movement of those who seek to enter the United States without lawful authority.

(9) Alien smuggling can include unsafe or recklessly dangerous conditions that expose individuals to particularly high risk of injury or death.

SEC. 1203. CHECKS AGAINST TERRORIST WATCHLIST.

The Secretary of Homeland Security shall, to the extent practicable, check against all available terrorist watchlists those persons suspected of alien smuggling and smuggled individuals who are interdicted at the land, air, and sea borders of the United States.

SEC. 1204. STRENGTHENING PROSECUTION AND PUNISHMENT OF ALIEN SMUGGLERS.

Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) by amending the subsection heading to read as follows: ''BRINGING IN, HARBORING, AND SMUGGLING OF UNLAWFUL AND TERRORIST ALIENS.—'';

(2) by amending paragraphs (1) through (2) to read as follows:

''(1)(A) Whoever, knowing or in reckless disregard of the fact that an individual is an alien who lacks lawful authority to come to, enter, or reside in the United States, knowingly—

''(i) brings that individual to the United States in any manner whatsoever regardless of any future official action which may be taken with respect to such individual;

''(ii) recruits, encourages, or induces that individual to come to, enter, or reside in the United States;

''(iii) transports or moves that individual in the United States, in furtherance of their unlawful presence; or

''(iv) harbors, conceals, or shields from detection the individual in any place in the United States, including any building or any means of transportation;

or attempts or conspires to do so, shall be punished as provided in subparagraph (C).

''(B) Whoever, knowing that an individual is an alien, brings that individual to the United States in any manner whatsoever at a place, other than a designated port of entry or place designated by the Secretary of Homeland Security, regardless of whether such individual has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such individual, or attempts or conspires to do so, shall be punished as provided in subparagraph (C).

''(C) Whoever commits an offense under this paragraph shall, for each individual in respect to whom such a violation occurs—

''(i) if the offense results in the death of any person, be fined under title 18, United States Code, and subject to the penalty of death or imprisonment for any term of years or for life;

''(ii) if the offense involves kidnapping, an attempt to kidnap, the conduct required for aggravated sexual abuse (as defined in section 2241 of title 18, United States Code, without regard to where it takes place), or an attempt to commit such abuse, or an attempt to kill, be fined under title 18, United States Code, or imprisoned for any term of years or life, or both;

''(iii) if the offense involves an individual who the defendant knew was engaged in or intended to engage in terrorist activity (as defined in section 212(a)(3)(B)), be fined under title 18, United States Code, or imprisoned not more than 30 years, or both;

''(iv) if the offense results in serious bodily injury (as defined in section 1365 of title 18, United States Code) or places in jeopardy the life of any person, be fined under title 18, United States Code, or imprisoned not more than 20 years, or both;

''(v) if the offense is a violation of paragraph (1)(A)(i) and was committed for the purpose of profit, commercial advantage, or private financial gain, or if the offense was committed with the intent or reason to believe that the individual unlawfully brought into the United States will commit an offense against the United States or any State that is punishable by imprisonment for more than 1 year, be fined under title 18, United States Code, and imprisoned, in the case of a first or second violation, not less than 3 nor more than 10 years, and for any other violation, not less than 5 nor more than 15 years;

''(vi) if the offense is a violation of paragraphs (1)(A)(ii), (iii), or (iv), or paragraph

(1)(B), and was committed for the purpose of profit, commercial advantage, or private financial gain, be fined under title 18, United States Code, or imprisoned not more than 10 years, or both;

''(vii) if the offense involves the transit of the defendant's spouse, child, sibling, parent, grandparent, or niece or nephew, and the offense is not described in any of clauses (i) through (vi), be fined under title 18, United States Code, or imprisoned not more than 1 year, or both; and

''(viii) in any other case, be fined under title 18, United States Code, or imprisoned not more than 5 years, or both.

''(2)(A) There is extraterritorial jurisdiction over the offenses described in paragraph (1).

''(B) In a prosecution for a violation of, or an attempt or conspiracy to violate, subsection (a)(1)(A)(i), (a)(1)(A)(ii), or (a)(1)(B), that occurs on the high seas, no defense based on necessity can be raised unless the defendant—

''(i) as soon as practicable, reported to the Coast Guard the circumstances of the necessity, and if a rescue is claimed, the name, description, registry number, and location of the vessel engaging in the rescue; and

''(ii) did not bring, attempt to bring, or in any manner intentionally facilitate the entry of any alien into the land territory of the United States without lawful authority, unless exigent circumstances existed that placed the life of that alien in danger, in which case the reporting requirement set forth in clause (i) is satisfied by notifying the Coast Guard as soon as practicable after delivering the alien to emergency medical or law enforcement personnel ashore.

''(C) It is not a violation of, or an attempt or conspiracy to violate, clause (iii) or (iv) of paragraph (1)(A), or paragraph (1)(A)(ii) (except if a person recruits, encourages, or induces an alien to come to or enter the United States), for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officer of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year.

''(D) For purposes of this paragraph and paragraph (1)—

''(i) the term 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States; and

''(ii) the term 'lawful authority' means permission, authorization, or waiver that is expressly provided for in the immigration laws of the United States or the regulations prescribed under those laws and does not include any such authority secured by fraud or otherwise obtained in violation of law or authority that has been sought but not approved.''.

SEC. 1205. MARITIME LAW ENFORCEMENT.

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

''(b) Whoever intentionally violates this section shall—

''(1) if the offense results in death or involves kidnapping, an attempt to kidnap, the conduct required for aggravated sexual abuse (as defined in section 2241 without regard to where it takes place), or an attempt to commit such abuse, or an attempt to kill, be fined under such 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 of this title) or transportation under inhumane conditions, be fined under this title, imprisoned not more than 15 years, or both;

''(3) if the offense is committed in the course of a violation of section 274 of the Immigration and Nationality Act (alien smuggling); chapter 77 (peonage, slavery, and trafficking in persons), section 111 (shipping), 111A (interference with vessels), 113 (stolen property), or 117 (transportation for illegal sexual activity) of this title; chapter 705 (maritime drug law enforcement) 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 10 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) LIMITATION ON NECESSITY DEFENSE.—Section 2237(c) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' after ''(c)'';

(2) by adding at the end the following:

''(2) In a prosecution for a violation of this section, no defense based on necessity can be raised unless the defendant—

''(A) as soon as practicable upon reaching shore, delivered the person with respect to which the necessity arose to emergency medical or law enforcement personnel;

''(B) as soon as practicable, reported to the Coast Guard the circumstances of the necessity resulting giving rise to the defense; and

''(C) did not bring, attempt to bring, or in any manner intentionally facilitate the entry of any alien, as that term is defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(3)), into the land territory of the United States without lawful authority, unless exigent circumstances existed that placed the life of that alien in danger, in which case the reporting requirement of subparagraph (B) is satisfied by notifying the Coast Guard as soon as practicable after delivering that person to emergency medical or law enforcement personnel ashore.''.

(c) DEFINITION.—Section 2237(e) of title 18, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following:

''(5) the term 'transportation under inhumane conditions' means the transportation of persons in an engine compartment, storage compartment, or other confined space, transportation at an excessive speed, transportation of a number of persons in excess of the rated capacity of the means of transportation, or intentionally grounding a vessel in which persons are being transported.''.

SEC. 1206. AMENDMENT TO THE SENTENCING GUIDELINES.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of alien smuggling offenses and criminal failure to heave to or obstruction of boarding.

(b) CONSIDERATIONS.—In carrying out this section, the Sentencing Commission, shall—

(1) consider providing sentencing enhancements or stiffening existing enhancements for those convicted of offenses described in subsection (a) that—

(A) involve a pattern of continued and flagrant violations;

(B) are part of an ongoing commercial organization or enterprise;

(C) involve aliens who were transported in groups of 10 or more;

(D) involve the transportation or abandonment of aliens in a manner that endangered their lives; or

(E) involve the facilitation of terrorist activity; and

(2) consider cross-references to the guidelines for Criminal Sexual Abuse and Attempted Murder.

(c) EXPEDITED PROCEDURES.—The Commission may promulgate the guidelines or amendments under this section in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

TITLE XIII—MISCELLANEOUS PROVISIONS

SEC. 1301. CERTIFICATE OF DOCUMENTATION FOR 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 striking paragraphs (3) and (4) and redesignating paragraph (5) as paragraph (3); and

(3) in paragraph (3) (as so redesignated) by striking all after ''shall expire'' and inserting ''on the date of the sale of the vessel by the owner.''.

SEC. 1302. WAIVERS.

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) OCEAN VERITAS (IMO Number 7366805).

(2) MAYA (United States official number 11073).

(3) ZIPPER (State of New York regulation number NY3205EB).

(4) GULF DIVER IV (United States official number 553457).

(5) M/V GEYSIR (United States official number 622178).

SEC. 1303. GREAT LAKES MARITIME RESEARCH INSTITUTE.

Section 605 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1052) is amended—

(1) in subsection (b)(1)—

(A) by striking ''The Secretary of Transportation shall conduct a study that'' and inserting ''The Institute shall conduct maritime transportation studies of the Great Lakes region, including studies that'';

(B) in subparagraphs (A), (B), (C), (E), (F), (H), (I), and (J) by striking ''evaluates'' and inserting ''evaluate'';

(C) in subparagraphs (D) and (G) by striking ''analyzes'' and inserting ''analyze'';

(D) by striking ''and'' at the end of subparagraph (I);

(E) by striking the period at the end of subparagraph (J) and inserting a semicolon;

(F) by adding at the end the following:

''(K) identify ways to improve the integration of the Great Lakes marine transportation system into the national transportation system;

''(L) examine the potential of expanded operations on the Great Lakes marine transportation system;

''(M) identify ways to include intelligent transportation applications into the Great Lakes marine transportation system;

''(N) analyze the effects and impacts of aging infrastructure and port corrosion on the Great Lakes marine transportation system;

''(O) establish and maintain a model Great Lakes marine transportation system database; and

''(P) identify market opportunities for, and impediments to, the use of United States-flag vessels in trade with Canada on the Great Lakes.''; and

(2) by striking subsection (b)(4) and inserting the following:

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraph (1)—

''(A) $2,400,000 for fiscal year 2010;

''(B) $2,500,000 for fiscal year 2011;

''(C) $2,600,000 for fiscal year 2012; and

''(D) $2,700,000 for fiscal year 2013.''.

SEC. 1304. CONVEYANCE OF COAST GUARD BOAT HOUSE, NANTUCKET, MASSACHUSETTS.

(a) STATION BRANT POINT BOAT HOUSE.—

(1) REQUIREMENT.—The Secretary of the department in which the Coast Guard is operating shall convey to the town of Nantucket, Massachusetts, all right, title, and interest of the United States in and to the buildings known as the Station Brant Point Boat House located at Coast Guard Station Brant Point, Nantucket, Massachusetts, for use for a public purpose.

(2) TERMS OF CONVEYANCE.—A conveyance of the building under paragraph (1) shall be made—

(A) without the payment of consideration; and

(B) subject to appropriate terms and conditions the Secretary considers necessary.

(3) REVERSIONARY INTEREST.—All right, title, and interest in property conveyed under this subsection shall revert to the United States if any portion of the property is used other than for a public purpose.

(b) LEASE.—

(1) REQUIREMENT.—The Secretary of the department in which the Coast Guard is operating shall enter into a lease with the town of Nantucket that authorizes the town of Nantucket to occupy the land on which the buildings conveyed under subsection (a) are located, subject to appropriate terms and conditions the Secretary considers necessary.

(2) LEASE TERM.—A lease under this subsection shall not expire before January 31, 2033.

(3) TERMINATION OF LEASE.—If the Secretary determines that the property leased under paragraph (1) is necessary for purposes of the Coast Guard, the Secretary—

(A) may terminate the lease without payment of compensation; and

(B) shall provide the town of Nantucket not less than 12 months notice of the requirement to vacate the site and move the buildings conveyed under subsection (a) to another location.

SEC. 1305. 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. 1306. 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.

(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. 1307. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER STORIS.

(a) IN GENERAL.—Upon the scheduled decommissioning of the Coast Guard Cutter STORIS, the Commandant of the Coast Guard shall convey, without consideration, all right, title, and interest of the United States in and to that vessel to the USCG Cutter STORIS Museum and Maritime Education Center, LLC, located in the State of Alaska if the recipient—

(1) agrees—

(A) to use the vessel for purposes of a museum and historical display;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

(2) has funds available that will be committed to operate and maintain in good working condition the vessel conveyed, in the form of cash, liquid assets, or a written loan commitment and in an amount of at least $700,000; and

(3) agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—

(1) MAINTENANCE.—Before conveyance of the vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(2) DELIVERY.—If a conveyance is made under this section, the Commandant shall deliver the vessel to a suitable mooring in the local area in its present condition.

(3) TREATMENT OF CONVEYANCE.—The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient of a conveyance under subsection (a) any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the operability and function of the vessel conveyed under subsection (a) for purposes of a museum and historical display.

SEC. 1308. CONVEYANCE OF COAST GUARD HU–25 FALCON JET AIRCRAFT.

(a) AUTHORITY TO CONVEY.—Notwithstanding any other law, the Commandant of the Coast Guard may convey to the Elizabeth City State University (in this section referred to as the ''University''), a public university located in the State of North Carolina, without consideration all right, title, and interest of the United States in an HU–25 Falcon Jet aircraft under the administrative jurisdiction of the Coast Guard that the Commandant determines—

(1) is appropriate for use by the University; and

(2) is excess to the needs of the Coast Guard.

(b) CONDITIONS.—

(1) IN GENERAL.—As a condition of conveying an aircraft to the University under subsection (a), the Commandant shall enter into an agreement with the University under which the University agrees—

(A) to utilize the aircraft for educational purposes or other public purposes as jointly agreed upon by the Commandant and the University before conveyance; and

(B) to hold the United States harmless for any claim arising with respect to the aircraft after conveyance of the aircraft.

(2) REVERSIONARY INTEREST.—If the Commandant determines that the recipient violated subparagraph (A) or (B) of paragraph (1), then—

(A) all right, title, and interest in the aircraft shall revert to the United States;

(B) the United States shall have the right to immediate possession of the aircraft; and

(C) the recipient shall pay the United States for its costs incurred in recovering the aircraft for such violation.

(c) LIMITATION ON FUTURE TRANSFERS.—

(1) IN GENERAL.—The Commandant shall include in the instruments for the conveyance a requirement that any further conveyance of an interest in the aircraft may not be made without the approval in advance of the Commandant.

(2) REVERSIONARY INTEREST.—If the Commandant determines that an interest in the aircraft was conveyed without such approval, then—

(A) all right, title, and interest in the aircraft shall revert to the United States;

(B) the United States shall have the right to immediate possession of the aircraft; and

(C) the recipient shall pay the United States for its costs incurred in recovering the aircraft for such a violation.

(d) DELIVERY OF AIRCRAFT.—The Commandant shall deliver the aircraft conveyed under subsection (a)—

(1) at the place where the aircraft is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the conveyance required by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

SEC. 1309. DECOMMISSIONED COAST GUARD VESSELS FOR HAITI.

(a) IN GENERAL.—Notwithstanding any other law, upon the scheduled decommissioning of any Coast Guard 41-foot patrol boat, the Commandant of the Coast Guard shall give the Government of Haiti a right-of-first-refusal for conveyance of that vessel to the Government of Haiti, if that Government of Haiti agrees—

(1) to use the vessel for the Coast Guard of Haiti;

(2) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or national emergency;

(3) to hold the United States Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising from the use by the United States Government under paragraph (2); and

(4) to any other conditions the Commandant considers appropriate.

(b) LIMITATION.—The Commandant may not convey more than 10 vessels to the Government of Haiti pursuant to this section.

(c) MAINTENANCE AND DELIVERY OF VESSEL.—

(1) MAINTENANCE.—Before conveyance of a vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(2) DELIVERY.—If a conveyance is made under this section, the Commandant shall deliver a vessel to a suitable mooring in the local area in its present condition.

(3) TREATMENT OF CONVEYANCE.—The conveyance of a vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

SEC. 1310. 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 section 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 section 12112 of title 46, United States Code.

SEC. 1311. VESSEL TRAFFIC RISK ASSESSMENT.

(a) 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.

(b) CONTENTS.—The assessment shall describe, for the region covered by the assessment—

(1) the amount and character of present and estimated future shipping traffic in the region; and

(2) the current and projected use and effectiveness in reducing risk, of—

(A) traffic separation schemes and routing measures;

(B) long-range vessel tracking systems developed under section 70115 of title 46, United States Code;

(C) towing, response, or escort tugs;

(D) vessel traffic services;

(E) emergency towing packages on vessels;

(F) increased spill response equipment including equipment appropriate for severe weather and sea conditions;

(G) the Automatic Identification System developed under section 70114 of title 46, United States Code;

(H) particularly sensitive sea areas, areas to be avoided, and other traffic exclusion zones;

(I) aids to navigation; and

(J) vessel response plans.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—The assessment shall include any appropriate recommendations to enhance the safety, or lessen potential adverse environmental impacts, of marine shipping.

(2) 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.

(d) 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.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commandant $1,000,000 for fiscal year 2010 to the conduct the assessment.

SEC. 1312. STUDY OF RELOCATION OF COAST GUARD SECTOR BUFFALO FACILITIES.

(a) PURPOSES.—The purposes of this section are—

(1) to authorize a project study to evaluate the feasibility of consolidating and relocating Coast Guard facilities at Coast Guard Sector Buffalo within the study area;

(2) to obtain a preliminary plan for the design, engineering, and construction for the consolidation of Coast Guard facilities at Sector Buffalo; and

(3) to distinguish what Federal lands, if any, shall be identified as excess after the consolidation.

(b) DEFINITIONS.—In this section:

(1) COMMANDANT.—The term ''Commandant'' means the Commandant of the Coast Guard.

(2) SECTOR BUFFALO.—The term ''Sector Buffalo'' means Coast Guard Sector Buffalo of the Ninth Coast Guard District.

(3) STUDY AREA.—The term ''study area'' means the area consisting of approximately 31 acres of real property and any improvements thereon that are commonly identified as Coast Guard Sector Buffalo, located at 1 Fuhrmann Boulevard, Buffalo, New York, and under the administrative control of the Coast Guard.

(c) STUDY.—

(1) IN GENERAL.—Within 12 months after the date on which funds are first made available to carry out this section, the Commandant shall conduct a project proposal report of the study area and shall submit such report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) REQUIREMENTS.—The project proposal report shall—

(A) evaluate the most cost-effective method for providing shore facilities to meet the operational requirements of Sector Buffalo;

(B) determine the feasibility of consolidating and relocating shore facilities on a portion of the existing site, while—

(i) meeting the operational requirements of Sector Buffalo; and

(ii) allowing the expansion of operational requirements of Sector Buffalo; and

(C) contain a preliminary plan for the design, engineering, and construction of the proposed project, including—

(i) the estimated cost of the design, engineering, and construction of the proposed project;

(ii) an anticipated timeline of the proposed project; and

(iii) a description of what Federal lands, if any, shall be considered excess to Coast Guard needs.

(d) LIMITATION.—Nothing in this section shall affect the current administration and management of the study area.

SEC. 1313. CONVEYANCE OF COAST GUARD VESSELS TO MISSISSIPPI.

(a) AUTHORITY TO CONVEY.—Notwithstanding the Federal Property and Administrative Services Act of 1949, the Commandant of the Coast Guard may convey to each recipient described in subsection (b) (in this section referred to as the ''Sheriff's Department''), without consideration all right, title, and interest of the United States in and to a Coast Guard trailerable boat, ranging from 17 feet to 30 feet in size, that the Commandant determines—

(1) is appropriate for use by the Sheriff's Department; and

(2) is excess to the needs of the Coast Guard and the Department of Homeland Security.

(b) RECIPIENTS.—The recipients referred to in subsection (a) are the following:

(1) The Sheriff's Department of Coahoma County, Mississippi.

(2) The Sheriff's Department of Warren County, Mississippi.

(3) The Sheriff's Department of Washington County, Mississippi.

(c) CONDITION.—As a condition of conveying a vessel under the authority provided in subsection (a), the Commandant shall enter into an agreement with the Sheriff's Department under which the Sheriff's Department agrees—

(1) to utilize the vessel for homeland security and other appropriate purposes as jointly agreed upon by the Commandant and the Sheriff's Department before conveyance; and

(2) to take the vessel ''as is'' and to hold the United States harmless for any claim arising with respect to that vessel after conveyance of the vessel, including any claims arising from the condition of the vessel and its equipment or exposure to hazardous materials.

(d) DELIVERY OF VESSEL.—The Commandant shall deliver the vessel conveyed under the authority provided in subsection (a)—

(1) at the place where the vessel is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(e) OTHER EXCESS EQUIPMENT.—The Commandant may further convey any excess equipment or parts from other Coast Guard vessels, which are excess to the needs of the Coast Guard and the Department of Homeland Security, to the Sheriff's Department for use to enhance the operability of the vessel conveyed under the authority provided in subsection (a).

(f) ADDITIONAL TERMS AND CONDITIONS.—The Commandant 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. 1314. COAST GUARD ASSETS FOR UNITED STATES VIRGIN ISLANDS.

(a) IN GENERAL.—The Secretary of Homeland Security may station additional Coast Guard assets in the United States Virgin Islands for port security and other associated purposes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal year 2010 such sums as are necessary to carry out this section.

SEC. 1315. OFFICER REQUIREMENTS FOR DISTANT WATER TUNA VESSELS.

Section 8103 of title 46, United States Code, is amended by adding at the end the follow new subsection:

''(l) OFFICER REQUIREMENTS FOR DISTANT WATER TUNA VESSELS.—

''(1) CITIZENSHIP.—Notwithstanding subsection (a), a purse seine tuna fishing vessel documented under chapter 121 fishing exclusively for highly migratory species under a fishing license issued pursuant to the 1987 Treaty on Fisheries Between the Governments of Certain Pacific Islands States and the Government of the United States of America in the treaty area (as that term is used in that treaty), or transiting to or from the treaty area exclusively for such purpose, may engage an individual who is not a citizen of the United States to fill a vacancy in a position referred to in subsection (a) (except for the master) if, after timely public notice of the vacancy, no United States citizens are readily available to fill the vacancy.

''(2) RESTRICTIONS.—

''(A) IN GENERAL.—An individual may not be engaged under paragraph (1) unless the individual holds a valid license or certificate issued—

''(i) in accordance with the standards established by the 1995 amendments to the Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 95); and

''(ii) by an authority that the Secretary of the department in which the Coast Guard is operating recognizes as imposing competency and training standards equivalent to or exceeding those required for a issued under chapter 71.

''(B) LIMITATION ON APPLICATION.—Paragraph (1) applies only to engagement of an individual on a vessel that—

''(i) is homeported in American Samoa, Guam, or the Northern Mariana Islands; and

''(ii) has passed an annual commercial fishing vessel safety exam administered by a individual authorized to enforce this title.

''(3) TREATMENT OF EQUIVALENT LICENSE.—The Secretary of the department in which the Coast Guard is operating shall treat a license held by an individual engaged under paragraph (1) that was issued by a foreign government as meeting the requirements of section 8304 with respect to that engagement, if the Secretary determines that the standards for issuing that license are equivalent to the standards that apply under that section.''.

SEC. 1316. ASSESSMENT OF NEEDS FOR ADDITIONAL COAST GUARD PRESENCE IN HIGH LATITUDE REGIONS.

Within 270 days 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 Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives assessing the need for additional Coast Guard prevention and response capability in the high latitude regions. The assessment shall address needs for all Coast Guard mission areas, including search and rescue, marine pollution response and prevention, fisheries enforcement, and maritime commerce. The Secretary shall include in the report—

(1) an assessment of the high latitude operating capabilities of all current Coast Guard assets, including assets acquired under the Deepwater program;

(2) an assessment of projected needs for Coast Guard forward operating bases in the high latitude regions;

(3) an assessment of shore infrastructure, personnel, logistics, communications, and resources requirements to support Coast Guard forward operating bases in the high latitude regions;

(4) an assessment of the need for high latitude icebreaking capability and the capability of the current high latitude icebreaking assets of the Coast Guard, including—

(A) whether the Coast Guard's high latitude icebreaking fleet is meeting current mission performance goals;

(B) whether the fleet is capable of meeting projected mission performance goals; and

(C) an assessment of the material condition, safety, and working conditions aboard high latitude icebreaking assets, including the effect of those conditions on mission performance;

(5) a detailed estimate of acquisition costs for each of the assets (including shore infrastructure) necessary for additional prevention and response capability in high latitude regions for all Coast Guard mission areas, and an estimate of operations and maintenance costs for such assets for the initial 10-year period of operations; and

(6) detailed cost estimates (including operating and maintenance for a period of 10 years) for high latitude icebreaking capability to ensure current and projected future mission performance goals are met, including estimates of the costs to—

(A) renovate and modernize the Coast Guard's existing high latitude icebreaking fleet; and

(B) replace the Coast Guard's existing high latitude icebreaking fleet.

SEC. 1317. STUDY OF REGIONAL RESPONSE VESSEL AND SALVAGE CAPABILITY FOR OLYMPIC PENINSULA COAST, WASHINGTON.

No later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall study through the National Academy of Sciences the need for regional response vessel and salvage capability for the State of Washington Olympic Peninsula coast. In conducting the study, the National Academy of Sciences shall consult with Federal, State, and tribal officials and other relevant stakeholders. The study shall—

(1) identify the capabilities, equipment, and facilities necessary for a response vessel in the entry to the Strait of Juan de Fuca at Neah Bay in order to optimize oil spill protection on Washington's Olympic Peninsula coast and provide rescue towing services, oil spill response, and salvage and firefighting capabilities;

(2) analyze the multimission capabilities necessary for a rescue vessel and the need for that vessel to utilize cached salvage, oil spill response, and oil storage equipment while responding to a spill or a vessel in distress, and make recommendations as to the placement of such equipment;

(3) address scenarios that consider all vessel types and weather conditions and compare current Neah Bay rescue vessel capabilities, costs, and benefits with other United States industry-funded response vessels, including those currently operating in Alaska's Prince William Sound;

(4) determine whether the current level of protection afforded by the Neah Bay response vessel and associated response equipment is comparable to protection in other locations where response vessels operate, including Prince William Sound, Alaska, and if it is not comparable, make recommendations regarding how capabilities, equipment, and facilities should be modified to achieve optimum protection; and

(5) consider pending firefighting and salvage regulations developed pursuant to the Oil Pollution Act of 1990.

SEC. 1318. STUDY OF BRIDGES OVER NAVIGABLE WATERS.

The Secretary of Transportation 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. 1319. 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. 1320. DECOMMISSIONED COAST GUARD VESSELS FOR BERMUDA.

(a) IN GENERAL.—Notwithstanding any other law, upon the scheduled decommissioning of any Coast Guard 41-foot patrol boat and after the Government of Haiti has exercised all of their options under section 1309, the Commandant of the Coast Guard shall give the Government of Bermuda a right-of-first-refusal for conveyance of that vessel to the Government of Bermuda, if that Government of Bermuda agrees—

(1) to use the vessel for the Coast Guard of Bermuda;

(2) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or national emergency;

(3) to hold the United States Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising from the use by the United States Government under paragraph (2); and

(4) to any other conditions the Commandant considers appropriate.

(b) LIMITATION.—The Commandant may not convey more than 3 vessels to the Government of Bermuda pursuant to this section.

(c) MAINTENANCE AND DELIVERY OF VESSEL.—

(1) MAINTENANCE.—Before conveyance of a vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(2) DELIVERY.—If a conveyance is made under this section, the Commandant shall deliver a vessel to a suitable mooring in the local area in its present condition.

(3) TREATMENT OF CONVEYANCE.—The conveyance of a vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

SEC. 1321. CONVEYANCE OF COAST GUARD VESSELS TO NASSAU COUNTY, NEW YORK.

(a) AUTHORITY TO CONVEY.—Notwithstanding the Federal Property and Administrative Services Act of 1949, the Commandant of the Coast Guard may convey to the Police Department of Nassau County, New York (in this section referred to as the ''Police Department''), without consideration all right, title, and interest of the United States in and to two Coast Guard 41-foot patrol boats that the Commandant determines—

(1) is appropriate for use by the Police Department; and

(2) is excess to the needs of the Coast Guard and the Department of Homeland Security.

(b) CONDITION.—As a condition of conveying a vessel under the authority provided in subsection (a), the Commandant shall enter into an agreement with the Police Department under which the Police Department agrees—

(1) to utilize the vessel for homeland security and other appropriate purposes as jointly agreed upon by the Commandant and the Police Department before conveyance; and

(2) to take the vessel ''as is'' and to hold the United States harmless for any claim arising with respect to that vessel after conveyance of the vessel, including any claims arising from the condition of the vessel and its equipment or exposure to hazardous materials.

(c) DELIVERY OF VESSEL.—The Commandant shall deliver a vessel conveyed under the authority provided in subsection (a)—

(1) at the place where the vessel is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(d) OTHER EXCESS EQUIPMENT.—The Commandant may further convey any excess equipment or parts from other Coast Guard vessels, which are excess to the needs of the Coast Guard and the Department of Homeland Security, to the Police Department for use to enhance the operability of a vessel conveyed under the authority provided in subsection (a).

(e) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with a conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

SEC. 1322. NEWTOWN CREEK, NEW YORK CITY, NEW YORK.

(a) STUDY.—The Administrator of the Environmental Protection Agency shall conduct a study on the public health, safety, and environmental concerns related to the underground petroleum spill on the Brooklyn shoreline of Newtown Creek, New York City, New York, in Greenpoint, Brooklyn, New York.

(b) FULL-SITE CHARACTERIZATION AND COLLECTION OF NEW FIELD EVIDENCE.—In carrying out the study under this section, the Administrator shall conduct a full-site characterization of the underground petroleum spill, including the investigation, collection, and analysis of new and updated data and field evidence on the extent of the petroleum spill, including any portion of the spill that has been diluted into surrounding waters, and any surrounding soil contamination or soil vapor contamination.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report containing the results of the study to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 1323. LAND CONVEYANCE, COAST GUARD PROPERTY IN MARQUETTE COUNTY, MICHIGAN, TO THE CITY OF MARQUETTE, MICHIGAN.

(a) CONVEYANCE AUTHORIZED.—(1) 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) Except as provided in paragraph (3), any cost associated with the conveyance shall be borne by the City, including, but not limited to, closing costs, attorney fees, and the cost of surveys, inspections, title examinations, and deed preparation.

(3)(A) Except as provided in subparagraph (B), prior to the conveyance of the property, the Coast Guard shall perform and bear the cost of environmental remediation required under Federal law. Nothing in this section shall be construed to compel the Coast Guard to complete such remediation before 10 years from the date of enactment of this section.

(B) The City may assume the Coast Guard's responsibility to perform and bear the cost of the environmental remediation, provided that—

(i) the City provides written notice that it will assume responsibility for the performance of such remediation and the cost thereof; and

(ii) the City and the Coast Guard enter into a written agreement thereon.

(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. 1324. 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.

SEC. 1325. 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.—Any cost associated with the conveyance shall be borne by the purchaser, including, but not limited to—

(1) closing costs, attorney fees, and the cost of surveys, inspections, title examinations, and deed preparation; and

(2) environmental analyses, assessments, clearances, and, if required under Federal law, environmental remediation.

(f) ENVIRONMENTAL REMEDIATION.—Before conveyance of the real property described in paragraph (a), purchaser shall perform any environmental remediation of the property that is required under Federal law.

(g) CREDIT OF FUNDS.—Notwithstanding any other provision of law, the net proceeds of a conveyance, authorized under subsection (a), shall—

(1) be credited to the Coast Guard Environmental Compliance and Restoration appropriations account current at the time collection is made;

(2) be made available, subject to appropriation, for environmental compliance and restoration purposes in conjunction with any disposal of any property under the administrative control of the Coast Guard; and

(3) remain available for such purposes until expended.

(h) 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.

The CHAIR. No amendment to the bill, as amended, is in order except those printed in House Report 111–311. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–311.

Mr. OBERSTAR. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBERSTAR:

Page 10, line 14, strike ''Department'' and insert ''department''.

Page 11, line 5, after ''Department of Defense'' insert ''and the Department of Homeland Security''.

Page 17, line 1, strike ''**EMERGENCY**''.

Page 24, line 12, after ''Coast Guard'' insert ''is operating''.

Page 38, before line 7, insert the following new subsection:

(d) REPORT.—Within 12 months after the date of enactment of this Act, the Comptroller General of the United States shall report to Congress on the Coast Guard's efforts to recruit minority candidates to the Coast Guard Academy. The report shall include the following:

(1) The status of implementation of the Coast Guard's minority recruitment program.

(2) An assessment of the effectiveness of the program, including the number of minority applicants contacted by the Coast Guard Academy, the number of minority candidates who completed applications to the Academy, the number of minority candidates offered appointments to the Academy, and the number of candidates who accepted such appointments.

(3) A comparison of the Coast Guard's minority recruitment program with similar programs at other United States service academies.

(4) Recommendations for enhancing the Coast Guard's minority recruitment program.

(5) An assessment of the current geographic diversity of cadets currently enrolled at the Coast Guard Academy including information on the number of candidates from each State and region of the United States who were contacted by the Academy, the number of candidates from each State and region of the United States who completed applications to the Academy, the number of candidates from each State and region of the country offered appointments to the Academy, and the number of candidates from each State and region of the country who accepted such appointments.

(6) Recommendations for increasing the geographic diversity of the student population at the Coast Guard Academy.

Page 38, line 13, after ''ture'' insert ''and the Committee on Homeland Security''.

Page 44, line 11, strike ''or''.

Page 44, line 12, before the period insert '', or an Asian American and a Native American Pacific Islander-serving institution (as defined in section 320 of such Act)''.

Page 54, strike line 19 and all that follows through page 55, line 11, and insert the following:

(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.

Page 57, line 25, strike ''safe, secure, and reliable'' and insert ''safe and secure''.

Page 58, line 7, strike ''shall work'' and insert ''is encouraged to enter into negotiations''.

Page 58, line 8, strike ''establish'' and insert ''conclude and execute''.

Page 58, line 14, strike ''icebreaking escort'' and insert ''marine safety''.

Page 59, line 13, strike ''assure the reasonable demands of commerce'' and insert ''carry out the purposes of this section''.

Page 59, line 17, after ''emissions'' insert ''(including black carbon and other emissions that could contribute to climate change)''.

Page 62, strike line 12 and all that follows through page 64, line 22, and insert the following:

SEC. 559. LORAN-C SIGNAL.

(a) Subject to subsection (b), the Secretary of Homeland Security may not operate the Loran-C signal after January 4, 2010.

(b) The limitation in subsection (a) shall take effect only if the Commandant of the Coast Guard certifies that—

(1) the termination of the operation of the Loran-C signal as of the date specified in subsection (a) will not adversely impact the safety of maritime navigation; and

(2) the Loran-C system infrastructure is not needed as a backup to the Global Positioning System or any other Federal navigation requirement.

(c) If the Commandant makes the certifications described in subsection (b), the Coast Guard shall, commencing January 4, 2010, terminate the operation of the Loran-C signal and commence a phased decommissioning of the Loran-C system infrastructure.

(d) Not later than 30 days after such certifications made pursuant to subsection (b), 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 setting forth a proposed schedule for the phased decommissioning of the Loran-C system infrastructure in the event of the decommissioning of such infrastructure in accordance with subsection (c).

(e) If the Commandant makes the certifications described in subsection (b), the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may, notwithstanding any other provision of law, sell any real and personal property under the administrative control of the Coast Guard and used for the Loran-C system, by directing the Administrator of General Services to sell such real and personal property, subject to such terms and conditions that the Secretary believes to be necessary to protect government interests and program requirements of the Coast Guard.

Page 65, strike lines 12 and 13 and insert the following:

''(2) PRINCE WILLIAM SOUND, ALASKA.—The requirement in

Page 66, strike lines 1 through 6 and insert close quotation marks and a following period.

Page 66, after line 9, insert the following new subsection:

(c) RULEMAKING.—

(1) INTERIM FINAL RULE AUTHORITY.—The Secretary shall issue an interim final rule as a temporary regulation implementing this section (including the amendments made by this section) as soon as practicable after the date of enactment of this section, without regard to the provisions of chapter 5 of title 5, United States Code. All regulations prescribed under the authority of this paragraph that are not earlier superseded by final regulations shall expire not later than 1 year after the date of enactment of this Act.

(2) INITIATION OF RULEMAKING.—The Secretary may initiate a rulemaking to implement this section (including the amendments made by this section) as soon as practicable after the date of enactment of this section. The final rule issued pursuant to that rulemaking may supersede the interim final rule promulgated under this subsection.

Page 77, line 1, insert ''or more'' after ''10''.

Page 79, line 6, insert ''or more'' after ''10''.

Page 98, line 19, strike ''10'' and insert ''15''.

Page 109, line 5, strike ''or Level 2''.

Page 139, line 24, strike ''and''.

Page 140, line 12, strike ''and''.

Page 151, line 17, before the period insert ''or marine safety engineer''.

Page 158, beginning at line 3, strike ''and the Assistant Commandant for Marine Safety''.

Page 158, line 4, strike ''jointly''.

Page 158, beginning at line 6, strike ''and the Assistant Commandant''.

Page 158, line 7, strike ''jointly convey their'' and insert ''convey the Commandant's''.

Page 158, line 8, strike ''Assistant Commandant'' and insert ''marine safety workforce''.

Page 176, line 4, strike ''established'' and insert ''establish''.

Page 180, line 19, strike ''major conversion'' and insert ''substantial change to the dimension of or type of the vessel''.

Page 181, line 10, strike ''major conversion'' and insert ''substantial change to the dimension of or type of the vessel''.

Page 193, line 15, strike ''Department'' and insert ''department''.

Page 210, after line 25, insert the following new sections:

SEC. ___. PILOT REQUIRED.

Section 8502(g) of title 46, United States Code, is amended—

(1) in paragraph (1), by inserting ''and Buzzards Bay, Massachusetts'' before '', if any,''; and

(2) by adding at the end the following:

''(3) In any area of Buzzards Bay, Massachusetts, where a single-hull tanker or tank vessel carrying 5,000 or more barrels of oil or other hazardous material is required to be under the direction and control of a Federal first class pilot, the pilot may not be a member of the crew of that vessel, and shall be a pilot licensed—

''(A) by the State of Massachusetts who is operating under a Federal first class pilot's license; or

''(B) under section 7101 of this title as a Federal first class pilot who has made at least 20 round trips on a vessel as a quartermaster, wheelsman, able seaman, or apprentice pilot, or in an equivalent capacity, including—

''(i) at least 1 round trip through Buzzards Bay in the preceding 12-month period; and

''(ii) if the vessel will be navigating in periods of darkness in an area of Buzzards Bay where a vessel is required by regulation to have a pilot, at least 5 round trips through Buzzards Bay during periods of darkness.''.

SEC. ___. DELEGATION OF AUTHORITY TO CLASSIFICATION SOCIETIES REGARDING OFFSHORE FACILITIES.

(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).''.

Page 215, line 11, strike ''United States Coast Guard'' and insert ''Coast Guard''.

Page 215, beginning at line 15, strike ''U.S. Coast Guard'' and insert ''Coast Guard''.

Page 218, line 17, strike ''United States Coast Guard'' and insert ''Coast Guard''.

Page 221, beginning at line 12, strike ''United States Coast Guard'' and insert ''Coast Guard''.

Page 226, beginning at line 5, strike ''this section or a regulation under this section'' and insert ''the log book or reporting requirements required under subsection (g)''.

Page 230, line 22, strike ''United States Coast Guard'' and insert ''Coast Guard''.

Page 231, strike lines 17 through 21 and insert the following:

''A person who uses force at sea to defend a vessel against an act of piracy shall not be liable for monetary damages in any action brought with respect to harm caused by such use of force to anyone engaging in such act of piracy, unless the person using such force knew at the time that it was substantially in excess of what was reasonable in defending the vessel against such act of piracy.''.

Page 235, line 5, after ''local'' insert a comma.

Page 235, line 13, strike ''and''.

Page 235, line 15, strike the period and insert ''; and''.

Page 235, after line 15, insert the following new subparagraph:

(C) architecture for integrated interagency targeting.

Page 237, strike lines 21 and 22 and insert the following: ''Department of Homeland Security; and''.

Page 238, line 9, strike ''2008'' and insert ''2010''.

Page 242, line 5, before the period insert ''and facial and iris scan technology''.

Page 242, after line 5, add the following new subsection:

(e) STUDY ON COMBINATION OF FACIAL AND IRIS RECOGNITION.—

(1) STUDY REQUIRED.—The Secretary of Homeland Security shall carry out a study on the use by the Coast Guard of the combination of facial and iris recognition 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) establishment of integrated face and iris features for accurate identification of individuals.

(2) PURPOSE OF STUDY.—The purpose of the study required by paragraph (1) is to facilitate the use of a combination of facial and iris recognition to provide a higher probability of success in identification than either approach on its own and to achieve transformational advances in the flexibility, authenticity, and overall capability of integrated biometric detectors and satisfy one of major issues with war against terrorists. The operational goal of the study should be to provide the capability to nonintrusively collect biometrics (face image, iris) in an accurate and expeditious manner to assist the Coast Guard in fulfilling its mission to protect and support national security.

Page 243, line 4, strike ''Card'' and insert ''Credential''.

Page 243, line 23, strike ''(3)'' and insert ''(4)''.

Page 244, line 1, strike ''(4)'' and insert ''(5)''.

Page 244, strike line 5 and all that follows through page 245, line 2 (and redesignate accordingly).

Page 248, strike line 8 and all that follows through page 250, line 11, and insert the following:

SEC. ___. WATERSIDE SECURITY OF CERTAIN DANGEROUS CARGO.

(a) NATIONAL STUDY.—

(1) IN GENERAL.—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall—

(A) initiate a national study to identify measures to improve the security of maritime transportation of certain dangerous 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, certain dangerous 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 Assessment 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, certain dangerous 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, certain dangerous 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, acting through the Commandant, shall submit to the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs 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, acting through the Commandant, shall develop, in conjunction with appropriate Federal agencies, a national strategy for the waterside security of vessels carrying, and waterfront facilities handling, certain dangerous cargo. The strategy shall utilize the results of the study required by subsection (a).

(c) SECURITY OF CERTAIN DANGEROUS 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 certain dangerous 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) LIMITATION ON RELIANCE ON STATE AND LOCAL GOVERNMENT.—Any security arrangement approved after the date of enactment of this Act to assist in the enforcement of any security zone established by the Coast Guard around a vessel carrying a certain dangerous cargo or around a waterfront facility handling a certain dangerous cargo may not be based upon the provision of security by a State or local government unless the Secretary, acting through the Commandant of the Coast Guard, ensures that the waterborne patrols operated as part of that security arrangement by a State or local government have the training, resources, personnel, and experience necessary to carry out the security responsibilities that they have been engaged to perform in order, to the maximum extent practicable, to deter and respond to a transportation security incident.

(3) DETERMINATION REQUIRED FOR NEW FACILITIES.—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may not approve a facility security plan under section 70103 of title 46, United States Code, for a new facility the construction of which is begun after the date of enactment of this Act, that receives or ships through maritime commerce certain dangerous cargo unless the Secretary determines that there are sufficient resources available to ensure compliance with the facility security plan.

(4) RESOURCE DEFICIENCY REPORTING.—The Secretary, acting through the Commandant of the Coast Guard, shall provide to the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate 90 days after the end of each fiscal year a report indicating—

(A) the number of security zones established for certain dangerous cargo shipments;

(B) the number of certain dangerous cargo shipments provided a waterborne security escort, subdivided by Federal, State, local, or private security; and

(C) an assessment as to any additional vessels, personnel, infrastructure, and other resources necessary to provide waterborne escorts to those certain dangerous cargo shipments for which a security zone is established.

(d) DEFINITIONS.—For the purposes of this section, the follow definitions apply:

(1) CERTAIN DANGEROUS CARGO.—The term ''certain dangerous cargo'' means a material, or a group or class of material, in a particular amount and form that the Secretary, though the Commandant, 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.

Page 250, line 14, strike ''DETERMINATION'' and insert ''RECOMMENDATION''.

Page 250, lines 17 and 23, strike ''determination'' each place it appears and insert ''recommendation''.

Page 251, strike line 12 and all that follows through page 254, line 13.

Page 254, line 22, strike ''September 23, 2009'' and insert ''the date of enactment of this Act''.

Page 255, after line 6, insert the following new section:

SEC. ___. 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 or radio frequency identification devices to track small boats.

Page 255, line 25, strike ''United States Coast Guard'' and insert ''Coast Guard''.

At the end of title XI (page 255, after line 6), add the following new sections:

SEC. _____. 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 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. _____. ANIMAL-PROPELLED VESSELS.

Notwithstanding section 70105 of title 46, United States Code, the Secretary shall not require an individual to hold a transportation security card, or be accompanied by another individual who holds such a card if—

(1) the individual has been issued a license, certificate of registry, or merchant mariner's document under part E of subtitle II of title 46, United States Code;

(2) the individual is not allowed unescorted access to a secure area designated in a vessel or facility security plan approved by the Secretary; and

(3) the individual is engaged in the operation of a live animal-propelled vessel.

SEC. _____. REQUIREMENTS FOR ISSUANCE OF TRANSPORTATION SECURITY CARDS; ACCESS PENDING ISSUANCE; REDUNDANT BACKGROUND CHECKS.

Section 70105 of title 46, United States Code, is amended by adding at the end the following new subsections:

''(n) 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.

''(o) 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.

''(p) RECEIPT OF CARDS.—Within 180 days after the date of enactment of the Transportation Security Administration Authorization Act, the Secretary shall develop a process to permit an individual approved for a transportation security card under this section to receive the card at the individual's place of residence.

''(q) FINGERPRINTING.—The Secretary shall establish procedures providing for an individual who is required to be fingerprinted for purposes of this section to be fingerprinted at facilities operated by or under contract with an agency of the Department of the Secretary that engages in fingerprinting the public for transportation security or other security purposes.

''(r) REDUNDANT BACKGROUND CHECKS.—The Secretary shall prohibit a State or political subdivision thereof from requiring a separate security background check for any purpose for which a transportation security card is issued under this section. The Secretary may waive the application of this subsection with respect to a State or political subdivision thereof if the State or political subdivision demonstrates a compelling homeland security reason that a separate security background check is necessary.''.

SEC. _____. 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. ___. ADMINISTRATION OF MARITIME SECURITY.

(a) ESTABLISH MARITIME SECURITY AS A COAST GUARD FUNCTION.—Chapter 5 of title 14, United States Code, is further amended by adding at the end the following new section:

''§ 103. Maritime security

''To protect life, property, and the environment on, under, and over waters subject to the jurisdiction of the United States and on vessels subject to the jurisdiction of the United States, the Commandant shall promote maritime security as follows:

''(1) By taking actions necessary in the public interest to protect such life, property, and the environment.

''(2) Based on priorities established by the Commandant including—

''(A) protecting maritime borders from all intrusions, reducing the risk from terrorism to United States passengers at foreign and domestic ports and in designated waterfront facilities, and preventing and responding to terrorist attacks and other homeland security threats;

''(B) protecting critical maritime infrastructure and other key resources; and

''(C) preventing, to the maximum extent practicable, a transportation security incident as defined in section 70101 of title 46.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is further amended by adding at the end the following new item:

''103. Maritime security.''.

(c) MARITIME SECURITY STAFF.—

(1) IN GENERAL.—Chapter 3 of title 14, United States Code, is further amended by adding at the end the following new sections:

''§ 60. Maritime security workforce

''(a) DESIGNATION OF MARITIME SECURITY WORKFORCE.—

''(1) IN GENERAL.—The Secretary, acting through the Commandant, shall ensure appropriate coverage of maritime security missions within the workforce in each sector.

''(2) REQUIRED POSITIONS.—In designating positions under paragraph (1), the Secretary shall include the following maritime security-related positions:

''(A) Program oversight.

''(B) Counterterrorism functions.

''(C) Counterintelligence functions.

''(D) Criminal investigations related to maritime security.

''(E) Port security enforcement.

''(F) Any other activities that the Commandant deems as necessary.

''(3) MARITIME SECURITY MANAGEMENT ACTIVITIES.—The Secretary shall also designate under paragraph (1) those maritime security-related management positions located at Coast Guard headquarters, Coast Guard Readiness Command, Coast Guard Operations Command, the Deployable Operations Group, and the Intelligence Coordination Center.

''(b) CAREER PATHS.—The Secretary, acting through the Commandant, may establish appropriate career paths for civilian and military Coast Guard personnel who wish to pursue careers in maritime security are identified in terms of the education, training, experience, and assignments necessary for career progression of civilians and member of the Armed Forces to the most senior maritime security positions. The Secretary shall make available published information on such career paths.

''(c) BALANCED WORKFORCE POLICY.—In the development of maritime security workforce policies under this section with respect to any civilian employees or applicants for employment with the Coast Guard, the Secretary shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, take into consideration the need to maintain a balance workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

''(d) SECTOR CHIEF OF MARITIME SECURITY.—

''(1) IN GENERAL.—The Commandant may assign, as appropriate, a Chief of Maritime Security 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.

''(2) FUNCTIONS.—The Chief of Maritime Security for a sector—

''(A) is responsible for all individuals who, on behalf of the Coast Guard, conduct port security operations, counterterrorism operations, intelligence and counterintelligence operations, and support national defense operations; and

''(B) if not the Coast Guard officer in command of that sector, is the principal advisor to the Sector Commander regarding maritime security matters in that sector.

''(f) SIGNATORIES OF LETTER OF QUALIFICATION.—Each individual signing a letter of

qualification for maritime security personnel must hold a letter of qualification for the type being certified.

"§ 61. Centers of expertise for maritime security

''(a) ESTABLISHMENT.—The Commandant may establish and operate one or more centers of Maritime Security (in this section referred to as a 'Center').

''(b) MISSIONS.—The Centers shall—

''(1) be used to facility education, training, and research in maritime security including maritime domain awareness, counterterrorism policy and operations, and intelligence collection, fusion, and dissemination;

''(2) develop a repository on information on maritime security; and

''(3) perform any other function 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 service for a Center, including administration and allocation of funds.

''(d) ACCEPTANCE OF DONATIONS.—

''(1) IN GENERAL.—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.

''(2) GUIDANCE.—The Commandant shall prescribe written guidance setting forth the criteria to be used in determining if the acceptance of a donation is appropriate.''.

(2) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is further amended by adding at the end the following new items:

''60. Maritime security workforce.
''61. Centers of expertise for maritime security.''.

(d) POWERS AND DUTIES.—Section 93 of title 14, United States Code, is amended by adding at the end the following new subsection:

''(e) In exercising the Commandant's duties and responsibilities with regard to maritime security, the Commandant shall designate a flag officer to serve as the principal advisor to the Commandant for maritime security. The designee shall have at least 10 years combined experience in operations, intelligence, counterterrorism, counterintelligence, port security, criminal investigations (except maritime casualty investigations), and port security or other maritime security functions, and at least four years of leadership experience at a staff or unit carrying out maritime security functions.''.

Page 268, line 10, insert ''(a) IN GENERAL.—'' before ''Notwithstanding''.

Page 268, after line 23, insert the following:

(6) St. Mary's Cement (United States official number 699114).

(b) DRYDOCK WAIVER.—Notwithstanding sections 12112, 55102, and 55103 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation the appropriate endorsement for engaging in the coastwise trade in Ketchikan, Alaska, for the Dry Dock #2, State of Alaska registration AIDEA FDD–2.

Page 269, after line 22, insert the following new subparagraph (and make appropriate conforming changes):

''(L) evaluate the employment base supported by the Great Lakes marine transportation system, including the number and types of jobs, and general demographics about the employees holding those jobs, such as their gender and age;

Page 290, strike line 13 and all that follows through page 292, line 24.

Page 300, strike line 3 and all that follows through page 301, line 19.

Page 307, after line 5, insert the following new subsection:

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

Page 308, strike line 1 and all that follows through line 20 and insert the following new paragraph:

(2) COSTS OF CONVEYANCE.—The City shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the transaction.

Page 310, line 16, add at the end the following new sentence: ''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.''.

Page 311, strike line 17 and all that follows through page 312, line 4, and insert the following new subsection (and redesignate accordingly):

(e) COSTS OF CONVEYANCE.—The purchaser shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the transaction.

At the end of title XIII (page 312, after line 22), add the following new sections:

SEC. ___. DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.

Public Law 110–299 (122 Stat. 2995, 33 U.S.C. 1342 note) is amended in section 2(a) by striking ''during the 2-year period beginning on the date of enactment of this Act'' and inserting ''during the period beginning on the date of enactment of this Act and ending December 18, 2013''.

SEC. ___. TALL SHIP CHALLENGE RACE.

(a) FINDINGS.—The Congress finds that—

(1) The Tall Ship Challenge race will occur on the Great Lakes in 2010;

(2) the ships will race through all five Great Lakes, two Canadian provinces, and five American States for the first time;

(3) the ships will also promote water conservation education and training of youth; and

(4) thousands of Americans will visit the ships when they are in United States ports.

(b) ENSURING PARTICIPATION.—The Congress urges the Commandant of the Coast Guard to take all initiative necessary to ensure that tall ships can participate in the Tall Ship Challenge race in a safe manner including modifications to the pilotage requirements under the authority of section 2113 of title 46, United States Code.

SEC. ___. HAITIAN MARITIME CADETS.

Section 51304 of title 46, United States Code, is amended by adding at the end the following:

''(e) HAITI.—The Secretary of Transportation, with the approval of the Secretary of State, may appoint individuals from Haiti to receive instruction at the Academy. Individuals appointed under this subsection are in addition to those appointed under any other provision of this chapter.''.

SEC. ___. 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. ___. IMPROVEMENTS TO REDUCE HUMAN ERROR AND NEAR-MISS INCIDENTS.

(a) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall transmit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation that, using available data—

(1) identifies the types of human errors that, combined, account for over 50 percent of all oils spills involving vessels that have been caused by human error in the past 10 years;

(2) identifies the most frequent types of near-miss oil spill incidents involving vessels such as collisions, groundings, and loss of propulsion in the past 10 years;

(3) describes the extent to which there are gaps in the data with respect to the information required under paragraphs (1) and (2) and explains the reason for those gaps; and

(4) includes recommendations by the Secretary to address the identified types of errors and incidents to address 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, both domestically and at the International Maritime Organization, to reduce the risk of oil spills caused by human error.

SEC. ___. 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—

(1) in subsection (c)(1), by striking ''December 31, 2009'' and inserting ''December 31, 2011'';

(2) in subsection (d)(1), by striking ''its proposed public aquarium'' and inserting ''a new building in compliance with the waterfront provisions of the City of Portland Code of Ordinances adjacent to the pier and bulkhead''; and

(3) 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.''.

SEC. ___. TUG ESCORTS FOR LADEN OIL TANKERS.

Within 1 year after the date of enactment of this Act, the Secretary of State, in consultation with the Commandant of the Coast Guard, is encouraged to enter into negotiations with the Government of Canada to ensure that tugboat escorts are required for all tank ships with a capacity over 40,000 deadweight tons in the Strait of Juan de Fuca, Strait of Georgia, and in Haro Strait. The Commandant shall consult with the State of Washington and affected tribal governments during negotiations with the Government of Canada.

The CHAIR. Pursuant to House Resolution 853, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Thank you, Madam Chair.

This amendment makes a number of improvements to the bill, some of which have been already alluded to by other speakers this evening.

First, we improve the enforcement of Coast Guard-imposed security zones around hazardous materials terminals and tankers. The Coast Guard will be required to coordinate, to be responsible for enforcing Federal security zones established by the Coast Guard around vessels containing certain dangerous cargo.

It specifies that the Coast Guard may not approve of a facility security plan for a new facility built after date of enactment of the act that will receive or ship certain dangerous cargo unless there are sufficient resources available to ensure compliance of the facility security plant.

It establishes an alternative licensing program for operators of uninspected passenger vessels on Lake Texoma. The States of Oklahoma and Texas bisect this lake, and there has been a great concern because of the long distance of this lake from the nearest Coast Guard facility and concerns of boaters on both sides of the border, and they have expressed those concerns to me, to the Republican members of the committee, and to Mr. CUMMINGS.

So what we have provided for in this amendment is an authorization for the Coast Guard upon the request of the Governor of the State of Texas or the Governor of the State of Oklahoma to enter into an agreement with the requesting State in which that State will license operators of uninspected passenger vessels operating on Lake Texoma in lieu of the Coast Guard if the State's plan meets the equivalent standards of environmental protection.

The State's plan must provide equivalent safety to a Coast Guard-issued license and include drug testing, criminal background checks, and physical standards for operators. It must also provide for the suspension and revocation of State licenses for negligent operation of the vessel and safety standards.

I want to be very clear about the provisions. I think it's very important; but this is, I think, a very beneficial agreement that we've reached to resolve the concerns of parties on both sides of the border of Lake Texoma.

We authorize delegation of authority by the Coast Guard to classification societies and have already had an ample discussion of that matter with the gentleman from Wisconsin (Mr. PETRI).

We require the Coast Guard to conduct a study on the combination of facial and iris recognition for a nonintrusive collection of biometrics to assist the Coast Guard in its homeland security mission. We've had some discussion already of that aspect of the manager's amendment. I won't elaborate further.

We require the Government Accountability Office to investigate and report on the Coast Guard's efforts to recruit minority candidates to the Coast Guard's academy. The gentleman from Maryland (Mr. CUMMINGS) has discussed this, and I alluded to it in my general remarks. But we also want that assessment to include a report on geographic diversity at the academy and recommendations for increasing geographic diversity as well as minority diversity.

And we establish a process in this amendment for access to secure areas for individuals with a pending application for a transportation security card, which the gentleman from California has adequately discussed, and a uniform national standard for background checks for transportation security cards, which also has previously been discussed.

That is the sum of the manager's amendment, and I reserve the balance of my time.

Mr. LOBIONDO. Madam Chair, I rise to claim time in opposition to the amendment although I am not in opposition to the amendment.

The CHAIR. Without objection, the gentleman from New Jersey is recognized for 10 minutes.

There was no objection.

Mr. LOBIONDO. On balance, this amendment does more good than harm, and for that reason, as I mentioned, I will not oppose the amendment or the adoption thereof.

I do, however, want to raise several concerns I have with the amendment. The amendment before us now overhauls several important provisions that passed with wide bipartisan support in the committee. The language was added despite the continued objections of the minority.

The manager's amendment rewrites language that would confer protections against liability for U.S. mariners that act in self-defense against a pirate attack on U.S.-flagged vessels. We have all read the accounts on the attacks of the Maersk Alabama and the Liberty Sun. Do we really want future mariners to hesitate in the face of a pirate armed with automatic weapons while they determine whether or not their actions will be deemed by a court reasonable with a check-off list in their minds as an attack is taking place? I don't think so

And with the two pirate attacks today, while they weren't U.S.-flagged vessels, they could have been, and we certainly don't want to have that kind of a situation.

So I strongly oppose this section of the amendment. And a little bit later in the debate, I'll offer an amendment to replace the language with the bipartisan agreement that we worked out within our committee.

I want to once again thank Chairman OBERSTAR for his acceptance of the language that would extend an existing exemption for fishing vessels and small commercial vessels from complying with certain vessel discharge requirements. This action will allow this segment to continue operations while Environmental Protection Agency surveys the magnitude of discharges from the vessels and whether regulations are necessary.

And I very much appreciate the chairman's commitment to continue to work with us on the goal of setting a single national standard, which makes the most sense of all, to regulate the discharge of ballast water and other incidental discharges from vessels.

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It simply is unacceptable to require our maritime sector to comply with two Federal standards and with as many as 30 different State standards and, often, conflicting State standards for vessel discharges. So it is a situation, I think, we are all looking forward to trying to solve.

I also want to thank, once again, Chairman OBERSTAR for improving language regarding the security of the vessels and of the facilities handling certain dangerous cargos. While I still believe too much of this provision is unnecessary and duplicative to current requirements under the Maritime Transportation Security Act of 2002, the language, Mr. Chairman, is a very marked improvement over the committee-reported amendment, and I thank you for your consideration.

I also thank Chairman OBERSTAR for his willingness to work with us on a variety of issues that we have encompassed in this bill, and I look forward to further consultation as the bill moves further down the line to enactment.

I reserve the balance of my time.

Mr. OBERSTAR. Madam Chair, how much time remains on our side?

The CHAIR. The gentleman has 6 minutes remaining.

Mr. OBERSTAR. I yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS), the chairman of the subcommittee.

Mr. CUMMINGS. Thank you, Mr. Chairman.

Madam Chair, I rise today in strong support of the manager's amendment.

I again commend Chairman OBERSTAR for his work on this legislation and for his dedication to effectively overseeing the Coast Guard and the entire marine transportation system. I also take this opportunity to thank the chairman for the support he has given me as a subcommittee Chair and throughout my membership on the Transportation and Infrastructure Committee.

The amendment offered by the chairman covers a number of subjects, and in the interest of time, I will note just a few of these:

This amendment would require that State and local law enforcement engaged in enforcing Coast Guard-imposed security zones around certain dangerous materials have the training, resources, personnel and experience they need to carry out the security responsibilities they have been engaged to perform. Further, the amendment would require the Coast Guard to report annually on the resource deficiencies they have pertaining to the enforcement of security zones around hazardous material shipments.

These provisions are not directed at any single material or terminal, but rather, they are intended to ensure that the most dangerous materials transported on the water are moved safely and that chemicals which could put entire communities at risk are secured against the threats which we know exist.

The manager's amendment would also address a number of other issues, including requiring an assessment of technologies that can combat the small-boat security threat, modifying several statutes governing the issuance of TWIC cards and addressing a critical licensing issue on Lake Texoma.

In the interest of time, I will end my statement here by urging the adoption of the manager's amendment and by, again, commending the work of the Chair.

Mr. LOBIONDO. Madam Chair, I yield back the balance of my time.

Mr. OBERSTAR. I yield myself such time as I may consume to acknowledge the concerns raised by the gentleman from New Jersey. They are proper and properly expressed.

Madam Chair, on the piracy issue, we had reached an agreement in committee, which I thought was done in a fair and equitable way, but there are other committees that have pieces of jurisdiction over this bill, and other concerns were expressed and accommodated. However, I continue to believe that the gentleman had the right approach. Mr. CUMMINGS, Mr. LOBIONDO and I had reached an agreement, and I still believe that is the better approach.

We had a discussion earlier about ballast water. I need not repeat what I said except to reaffirm that we will proceed vigorously in the pursuit of an accommodation of the concerns of the gentleman from New Jersey and of those of the gentleman from Michigan, which are almost identical to mine. We will reach agreement, and we will bring a bill to the floor in this session of Congress.

Madam Chair, this amendment makes a number of improvements to the bill, as reported by the Committee on Transportation and Infrastructure.

IMPROVES THE ENFORCEMENT OF COAST GUARD IMPOSED SECURITY ZONES AROUND HAZARDOUS MATERIALS TERMINALS AND TANKERS

Requires the Coast Guard to coordinate and be responsible for enforcing Federal security zones established by the Service around a vessel containing certain dangerous cargo.

If a security arrangement has been made with a State or local government to enforce a Coast Guard imposed security zone, the Coast Guard must ensure the waterborne patrols have the training, resources, personnel and experience necessary to carry out the security responsibilities to the maximum extent practicable to deter and respond to a transportation security incident.

Specifies that the Coast Guard may not approve a facility security plan for a new facility constructed after the date of enactment of this Act that will receive or ship certain dangerous cargo on the water unless there are sufficient resources available to ensure compliance of the facility security plan.

ESTABLISHES AN ALTERNATIVE LICENSING PROGRAM FOR OPERATORS OF UNINSPECTED PASSENGER VESSELS ON LAKE TEXOMA

Authorizes the Coast Guard upon the request of the Governor of the State of Texas or the Governor of the State of Oklahoma to enter into an agreement with the requesting State, whereby the State will license operators of uninspected passenger vessels operating on Lake Texoma in lieu of the Coast Guard if the State's plan meets equivalent standards of safety and environmental protection. The State's plan must provide equivalent safety to a Coast Guard issued license and include drug testing, criminal background checks, and

physical standards for operators. It also must provide for the suspension and revocation for State licenses for the negligent operation of the vessel and safety standards.

AUTHORIZES THE DELEGATION OF AUTHORITY BY THE COAST GUARD TO CLASSIFICATION SOCIETIES

Authorizes the Secretary to delegate the Coast Guard's authority to review and approve offshore facility plans and conduct inspections and examinations of offshore facilities to the American Bureau of Shipping (ABS) or another classification society that meets acceptable standards.

The delegation can be made to a foreign classification society if the government of the foreign country in which the foreign society is headquartered delegates the authority to the ABS, or if the Secretary enters into an agreement with that foreign government that provides for reciprocal treatment of ABS.

REQUIRES THE COAST GUARD TO CONDUCT A STUDY ON THE COMBINATION OF FACIAL AND IRIS RECOGNITION

The study requires an assessment of the capability of a non-intrusive collection of biometrics in an accurate and expeditious manner to assist the Coast Guard in its homeland security mission.

REQUIRES THE GOVERNMENT ACCOUNTABILITY OFFICE TO INVESTIGATE AND REPORT ON COAST GUARD'S EFFORTS TO RECRUIT MINORITY CANDIDATES TO THE COAST GUARD ACADEMY

The report shall include the status of the Coast Guard's minority recruitment program and assessment of the program's effectiveness. The study should include the following statistics on minority applicants: the number of applicants that were contacted by the Academy; the number who completed applications; the number that were offered appointments; and the number of applicants that accepted appointments.

The report should also include an assessment of the geographic diversity at the Academy and should make recommendations for increasing geographic diversity.

PROVIDES A PROCESS FOR ACCESS TO SECURE AREAS FOR INDIVIDUALS WITH A PENDING APPLICATION FOR A TRANSPORTATION SECURITY CARD

Requires the Coast Guard to coordinate with owners and operators subject to the Maritime Transportation Security Act of 2002 to allow an individual who has applied for, but has not received, a transportation security card to be escorted into secure areas to work by another worker who has a transportation security card.

ESTABLISHES PROCEDURES FOR WORKERS TO SUBMIT FINGERPRINTS FOR THE PURPOSE OF OBTAINING TRANSPORTATION SECURITY CARDS AT FACILITIES OPERATED BY, OR UNDER CONTRACT WITH, THE RELEVANT FEDERAL AGENCIES

Establishes a uniform, national standard for background checks for transportations security cards.

Directs the Secretary of the department in which the Coast Guard is operating to prohibit States or political subdivisions of States from requiring separate background checks for transportation security cards unless there is a compelling reason for the separate background checks.

I urge my colleagues to join me in supporting this amendment.

I yield back the balance of my time, and I ask for a vote of approval of the manager's amendment.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. MICA

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111–311.

Mr. MICA. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MICA:

Page 312, after line 22, add the following new section:

SEC. ___. BACKGROUND CHECKS.

(a) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives 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 conflict with Federal programs;

(3) a determination as to whether such background checks and forms of identification assist State and local governments in carrying out the safety, security, and law enforcement responsibilities of those governments; and

(4) recommendations on methods, procedures, and regulations that will—

(A) minimize redundant background checks and forms of identification required for access to port facilities; and

(B) facilitate the sharing of background check and identification data with State and local governments when the sharing of such data assists those governments in carrying out their safety, security, and law enforcement responsibilities.

(b) LIMITATION WITH RESPECT TO VESSEL AND FACILITY SECURITY PLANS.—The Secretary of the department in which the Coast Guard is operating shall not prohibit a State or political subdivision thereof from requiring a separate background check for entry into any area covered by a vessel or facility security plan required under subsection 70103(c) of title 46, United States Code.

The CHAIR. Pursuant to House Resolution 853, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

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

Madam Chair, first of all, my colleagues, the amendment I have offered relates to the TWIC provisions, which refer to the trusted Transportation Worker Identification Credential. This is one of those cards I'm holding in my hand. It's called a TWIC card. Now, this is not the Colbert Report. It's not the Jon Stewart report, but it's almost a comedy of errors that we're here talking about a TWIC card 7 years after 9/11—the Transportation Worker Identification Credential.

Spent 7 years. We have a card. We've had four State demonstrations. We've spent millions of taxpayer dollars in developing this card, and I can't take this card and go over and put it in a reader like we can do with our voting cards, because we don't have a reader that reads this card. It gets worse.

We have no agreements with the States, like Florida, to allow States to require additional checks. In fact, the language of the manager's amendment—and some of it was put in, I understand, by the Homeland Security Committee—makes the line between the States and the Federal Government even more difficult.

Now, the goal, I thought, was to have one card. The way we're going, we're going to end up with two cards. In fact, we have two cards in Florida now because this card doesn't even have a reader.

The second goal was to connect the dots so that information that we have we would have at the State, local and Federal levels. Remember 9/11 and what happened before we weren't able to connect the dots?

So the proviso that is in the bill does not allow us to connect the dots. The recently adopted manager's amendment includes a provision that directs the Government Accountability Office, the GAO, to make recommendations on limiting State and local criminal background checks—I'm not kidding. That's what's in here—and, from conducting such background checks, limiting our States. These provisions restrict the ability of State and local law enforcement officials to do their jobs. I oppose these provisions for those obvious reasons.

Some time ago in Florida, we had a commission that looked at the criminal activity at some of our ports, and we found very significant numbers of port workers, transportation workers, with criminal backgrounds. This goes in the opposite direction, this provision in this bill, and that is why I've offered this amendment today.

So my amendment directs the GAO to determine whether State and local background checks assist State and local law enforcement officials in carrying out their safety, security and law enforcement responsibilities, including their drug enforcement responsibilities.

In addition to asking the GAO for recommendations in minimizing redundant background checks, my amendment also seeks GAO recommendation, not to impede or to stop, but to facilitate the sharing of background check identification data with State and local governments.

I don't think this is an unreasonable request. I'm willing to work with folks on both sides of the aisle to make certain, if we ever get a Transportation Worker Identification Credential, that it does the job that we set out for it to do. So I pledge to work with the Homeland Security Committee, and I pledge to continue to work with my colleague, Mr. OBERSTAR. This is not the provision that we intended.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Chairman, I claim time in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. THOMPSON of Mississippi. Madam Chairman, currently, all transportation workers who work at our Nation's ports have a Transportation Worker Identification Credential, commonly referred to as a TWIC card.

This card costs around $132, and it requires applicants to pass a security background check. Some ports have required transportation workers, including truckers and longshoremen, to have additional access badges and background checks prior to entering.

The TWIC program was supposed to simplify the process by eliminating duplicate background checks and by minimizing the burden on transportation workers. It does not make sense for States to require and to charge transportation workers for additional background checks when workers have already passed a stringent Federal background check.

Language in the manager's amendment eliminates duplicative background checks by prohibiting States from requiring transportation workers to undergo State security background checks in addition to TWIC. At the same time, the bill provides discretion to the Secretary of Homeland Security to allow a State to maintain its program if there is a compelling homeland security reason for a separate security check.

The House supported a single Federal credential for port workers with the approval of the Castor amendment to H.R. 2200, the Transportation Security Authorization Act, which was passed earlier.

The Mica amendment before us today would prohibit the TWIC from being the sole government-issued security card that maritime workers have to secure in order to work in our Nation's ports. Under the Mica amendment, a truckdriver or a port worker who needs to access ports in various States could be required to obtain a security credential from multiple States rather than being able to obtain a single Federal credential which would be accepted at ports around the country.

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

Mr. MICA. May I inquire as to the time remaining on each side?

The Acting CHAIR (Mr. POLIS). There are 30 seconds remaining on the Republican side, and there are 2½ minutes remaining on the Democratic side.

Mr. MICA. I will just conclude by saying that, in fact, the way this is crafted, this does prohibit going in and getting additional information about bad guys. That is what this is all about. The way it is crafted it misses the mark about connecting the dots. It misses the mark of having one card. Unfortunately, the Federal Government has made a farce out of the TWIC card, and we're going further with this provision that has been provided in the manager's amendment.

I move my amendment at the appropriate time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR), the Chair of the full committee.

Mr. OBERSTAR. I thank the gentleman for yielding.

Mr. Chair, I share the frustration of the gentleman from Florida about the reader equipment, about the lack of continuity and about a number of other issues that he raised.

The problem I have is that the State of Florida requires one standard for truckdrivers with hazardous material, and it requires a different standard for those truckdrivers who enter ports. The State was moving in the direction of unifying those requirements, and if the State would do that, then I think we wouldn't have this kind of dichotomy and this problem. Therefore, I think the position of the Committee on Homeland Security has merit, and we should accept their position.

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Mr. THOMPSON of Mississippi. Mr. Chairman, I would like to include in the RECORD a letter from the AFL–CIO Transportation Trades Department also opposing this amendment.

TRANSPORTATION
TRADES DEPARTMENT, AFL–CIO,
Washington, DC, October 22, 2009.

Re oppose the Mica amendment to the Coast Guard authorization bill.

DEAR REPRESENTATIVE: On behalf of the Transportation Trades Department, AFL–CIO (TTD), I urge you to oppose the Mica amendment to the Coast Guard Authorization Act of 2010 (H.R. 3619). TTD also supports final passage of the underlying bill and the Manager's amendment to be offered by Chairman Oberstar.

The Mica Amendment would allow states and local governments to impose additional and duplicative security background checks on workers who have access to vessels and port facilities. These workers are already required to hold a Transportation Worker Identification Credential (TWIC) and pass an extensive security vetting process that includes a criminal background check. One of the objectives of the TWIC program was to create a national security standard along with a national credential that would be accepted throughout the U.S. maritime industry. If states and others are allowed to impose different security standards, a worker who holds a TWIC and works at one port might be unable to enter other ports of vessels located in different jurisdictions. The patchwork of credentials and security checks that would be created by the Mica amendment is inconsistent with the national scope of the TWIC program and would impose additional fees on workers and their employers.

Finally, the Mica amendment would undermine language originally introduced by Rep. Castor that seeks to limit state and local security checks. This language has already been approved by the House as part of the TSA Reauthorization bill and is included in the Manager's amendment to H.R. 3619. Specifically, this language would prohibit a state or local government from adding on a separate security check for a purpose for which a federal transportation security card has already been issued. This clarifies that workers, for example, who have already applied for and received a TWIC should not be subject to additional and duplicate security checks for entering a port or a maritime vessel. This is a modest prohibition and can be waived by DHS if a state can demonstrate a compelling homeland security reason for imposing additional security checks.

Again, I urge you to oppose the Mica Amendment and vote for the Coast Guard Authorization Act of 2010 (H.R. 3619) when it is considered on the House floor.

Sincerely,

EDWARD WYTKIND,
President.

Again, Mr. Chairman, I rise in opposition to this amendment.

It's clear that it would provide an undue hardship on a number of individuals and States. It's duplicative.

We need one Federal card for security and identification purposes. The TWIC card has been approved by this Congress, and I urge opposition to this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The amendment was rejected.

AMENDMENT NO. 3 OFFERED BY MR. OBERSTAR

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–311.

Mr. OBERSTAR. Mr. Chairman, as the designee of the gentleman from Florida (Mr. HASTINGS), I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. OBERSTAR:

Page 312, after line 22, add the following new section:

SEC. ____. STUDY AND REPORT REGARDING EFFECTS RESULTING FROM CHANGES IN UNITED STATES IMMIGRATION POLICY TOWARD HAITI.

The Secretary of the department in which the Coast Guard is operating shall conduct a study and submit a report to Congress within 180 days after the date of the enacment of this Act examining the Coast Guard's current ability to respond to any possible short- and long-term effects resulting from changes in United States immigration policy toward Haiti. The study and report shall examine several likely scenarios and draw upon past experiences with changes to immigration policy with regards to Haiti.

The Acting CHAIR. Pursuant to House Resolution 853, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the amendment of the very distinguished gentleman from Florida (Mr. HASTINGS), who has a large constituency of persons of Haitian origin in his district, requires the Coast Guard to submit a report within 180 days after enactment to examine the Coast Guard's short- and long-term ability to respond to a possible mass migration resulting from changes in U.S.-Haitian immigration policy. There was an increase in the number of Haitians attempting to enter the U.S. in the first quarter of this fiscal year, and every year thousands try to make unauthorized entries by water into the United States.

In 1992, President George H.W. Bush issued Executive Order 12807, which directed the Coast Guard to prevent undocumented migrants from entering the U.S. by stopping them at sea and sending them back to their country of origin. Well, there was one standard for Haitians and a different standard for Cubans.

Mr. Chairman, I lived 3½ years in Haiti. I have a great number of friends and students to whom I taught English during that year. I just recently visited Haiti for the 50th anniversary of the officers of the Haitian military academy, who were my English students.

Conditions in Haiti are wretched; 9 million people in a land of 10,000 square miles. That's land about one-third the size of my district with three times the population of the entire State of Minnesota.

These people, who are trying to leave Haiti for an opportunity in America are being exploited by unsavory ship captains who charge them $5,000 to get on board a vessel that can accommodate 100 people. They will put 200 people on the ship, and then they will throw some of them overboard before they get into U.S. waters if they think that the overpopulation of the boat is endangering its passageway. This is awful.

This study will help the Congress, the U.S. Government better understand the problems of the people of Haiti and the challenges to the Coast Guard. It's an important amendment.

I reserve the balance of my time.

The Acting CHAIR. The Chair recognizes the gentleman from New Jersey (Mr. LOBIONDO) for 5 minutes.

Mr. LOBIONDO. Mr. Chairman, I claim time in opposition, but only to say we have no objection to the chairman's amendment.

I yield back the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield the balance of my time to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I rise in strong support of the amendment offered by Mr. HASTINGS.

This amendment will require the Coast Guard to study its ability to respond to the possible effects of a change in U.S. policy regarding immigration from Haiti.

While I agree with Mr. HASTINGS that it is past time for the U.S. to review our immigration policies towards Haiti, particularly as that Nation continues to suffer in the wake of the ongoing worldwide economic downturn and recurring natural disasters, we need to understand the full range of consequences that such a policy change might bring.

The study requested by the gentleman's amendment will ensure that we have a thorough analysis of current conditions, as well as an analysis of past experiences to inform our consideration of immigration policy towards Haiti, as well as the development of the Coast Guard's plans and missions in the event that a policy change is made.

I support the gentleman's thoughtful amendment and his leadership on the issue and urge the adoption of the amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. LOBIONDO

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–311.

Mr. LOBIONDO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. LOBIONDO:

Page 312, after line 22, add the following new title:

TITLE ____—SERVICEMEMBER BENEFITS IMPROVEMENT

SEC. __01. SHORT TITLE.

This title may be cited as the ''United States Coast Guard Servicemember Benefits Improvements Act''.

SEC. __02. COAST GUARD HOUSING.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct a study of military family housing and military unaccompanied housing available to members and officers of the Coast Guard.

(b) COMPONENTS OF THE STUDY.—The study required in subsection (a) shall include—

(1) an inventory of all military family housing and military unaccompanied housing units administered by the Coast Guard and their locations;

(2) a review of the physical condition of such units;

(3) a review of the availability of housing units administered by the Coast Guard to members and officers assigned to field units of the Coast Guard;

(4) a review of the availability of housing units administered by the other armed services to members and officers assigned to field units of the Coast Guard; and

(5) recommendations on statutory authorities that are necessary to improve availability of military housing to members and officers of the Coast Guard.

(c) REPORT.—The Secretary shall submit a report including the findings and recommendations of the study required under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

SEC. __03. 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 servicemembers 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. __04. 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. __05. 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 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.''.

The Acting CHAIR. Pursuant to House Resolution 853, the gentleman from New Jersey (Mr. LOBIONDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, I am offering this amendment, along with Mr. COBLE of North Carolina, to conform Coast Guard authorities to provide child care in development services, to support chaplain-led activities, and to issue medicals and commendations on a par with those available to the other branches of the military.

The Coast Guard is unique within the military community because it is located outside of the Department of Defense. While these authorities have been made available to the other military services, this amendment is necessary to provide the Coast Guard similar capabilities. This is a commonsense amendment which will improve services to servicemembers and their families.

The amendment also directs the Coast Guard to conduct a comprehensive study of military housing currently available to members of the Coast Guard and their families. While we had initially intended to reinstate authorities necessary to construct new Coast Guard housing—which I might add is desperately needed—through public-private partnerships, a scoring issue with the CBO has presented us from better addressing the deplorable condition of Coast Guard housing.

I know all Members want to provide the finest housing to these servicemen and -women who are giving so much to their country and who put their lives on the line each and every day to protect us. It is my hope that we will be able to work out a solution with Chairman OBERSTAR and the CBO to provide the service with the authority to improve their housing.

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

Mr. CUMMINGS. Mr. Chairman, I claim the time in opposition, although I am not opposed.

The Acting CHAIR. Without objection, the gentleman from Maryland is recognized for 5 minutes.

There was no objection.

Mr. CUMMINGS. I rise today in strong support of the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO), the ranking member of the Subcommittee on Coast Guard and Maritime Transportation, and Mr. COBLE, a distinguished member of the subcommittee and a former member of the United States Coast Guard.

This amendment would require the Coast Guard to conduct a study of its family housing units, including requiring the development of a comprehensive inventory of such units and their physical condition. The study should also recommend legislative changes that could expand the availability of housing units. The state of the housing stock at some Coast Guard units is, frankly, appalling, and this is certainly the quality of life issue which is most often raised to the subcommittee by the Coast Guard members and their dependents.

I want to thank Mr. LOBIONDO for his concern about it. We have talked about it many times. It is one of my major conditions and that of our subcommittee.

The amendment offered by the gentleman would help us begin to understand the true extent of the Coast Guard's need for family housing, as well as the steps that we could take to ensure that the need is met and given the budget scoring issues that seem to be impeding the development of new housing.

This amendment would also support several other quality of life initiatives and authorize the Coast Guard to award a Coast Guard Cross and the Silver Star Medal in recognition of heroic actions in service to our Nation.

These are all initiatives that I strongly support, and I applaud the leadership of our ranking member, Mr. LOBIONDO, and Mr. COBLE.

Let me also say that it's one thing for us to want our Coast Guard's men and women to go out and do a good job, but at the same time we must be concerned about their housing. Where they live, where they raise their children, where they take care of their families is so very, very important.

While we talk about thin blue line and how much we honor them and applaud them, if we say that in one breath and then the next breath do not do the things like this to help them live the very best lives that they can, that's something that's simply awfully wrong with the picture.

I applaud my colleague, and I urge adoption of the amendment.

I yield back the balance of my time.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. LOBIONDO

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111–311.

Mr. LOBIONDO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. LOBIONDO:

At the end of title II, add the following:

SEC. ___. SUPPLEMENTAL POSITIONING SYSTEM.

(a) STUDY REQUIRED.—The Secretary, in consultation with the Secretary of Transportation and other heads of appropriate Federal departments, shall conduct a study to determine whether there is a continued need for a supplemental air and maritime navigation system as a backup to the Global Positioning System.

(b) STUDY COMPONENTS.—The study shall—

(1) analyze the impact of the termination of a supplemental system may have on maritime and aviation safety, including general aviation;

(2) review national navigational capabilities available in the event of a loss of the Global Positioning System;

(3) investigate the capabilities of currently available radionavigational technologies and systems, including the LORAN-C program currently operated by the Coast Guard as well as modernized LORAN systems, and costs and infrastructure requirements necessary to establish a supplemental system nationwide; and

(4) include recommendations for future courses of action.

(c) PUBLIC COMMENT.—The Secretary shall—

(1) publish in the Federal Register a draft report containing findings, conclusions, and recommendations from the study required by subsection (a);

(2) accept public comments regarding such draft report for a period of not less than 60 days after the date the draft report is published in the Federal Register; and

(3) consider any such public comments in the preparation of a final report under subsection (d).

(d) FINAL REPORT.—The Secretary shall submit a final report, including the findings and recommendations, of the study required under subsection (a) and responses to comments gathered under subsection (c) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the enactment of this Act.

(e) SECRETARY DEFINED.—As used in this section, the term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

The Acting CHAIR. Pursuant to House Resolution 853, the gentleman from New Jersey (Mr. LOBIONDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

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

Mr. Chairman, I rise to offer this amendment with my colleague, Mr. MICHAUD. This is a simple amendment which would require that the Department of Homeland Security, in consultation with the Department of Transportation, report to Congress on the decommissioning of the LORAN-C system. LORAN-C is a radio-based navigation and positioning system which many mariners use as a backup to GPS. It is also a primary means of navigation for bush pilots in Alaska.

At the request of the Obama administration, the FY10 Homeland Security Appropriations Act does not include funding to continue the system's operation. This is being done despite the fact that the Department of Homeland Security came to the conclusion in February of 2008 that a backup system to GPS is needed.

I am very concerned about the impact this will have on the safety of our waterways. In many regions around the country, the GPS can be found unreliable. I do not believe, as some in the administration have suggested, that we should go back to the days of navigating by sextant and lighthouse.

Our amendment would simply require the two departments to study the issue of whether a backup to the GPS is needed for safe navigation and report the findings to Congress.

Mr. Chairman, I urge all Members to support this commonsense amendment.

I reserve the balance of my time.

Mr. CUMMINGS. Mr. Chairman, I claim time in opposition, although I am not opposed.

The Acting CHAIR. Without objection, the gentleman from Maryland is recognized for 5 minutes.

There was no objection.

Mr. CUMMINGS. Mr. Chairman, I rise in strong support of the amendment offered by the ranking member of the subcommittee, Mr. LOBIONDO, and Mr. MICHAUD of Maine.

This amendment would require the Coast Guard, together with the Department of Transportation along with other appropriate Federal agencies, to study whether we need a national navigational system to supplement and to serve as a backup to the Global Positioning System known as GPS.

In August of 2006, the U.S. Department of Transportation commissioned a study to assess whether a backup to GPS was needed. The study, conducted by the Institute for Defense Analyses, argued that a backup was needed because GPS is vulnerable to local interference and even intentional jamming.

The amendment offered by Mr. LOBIONDO and Mr. MICHAUD is a thoughtful amendment intended to ensure that we continue to deepen our understanding of our Nation's need for backup navigation aid systems in the event that the GPS is taken offline for some reason.

I support the amendment.

I yield back the balance of my time.

Mr. LOBIONDO. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO).

The amendment was agreed to.

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AMENDMENT NO. 6 OFFERED BY MR. HIMES

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111–311.

Mr. HIMES. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. HIMES:

Page 232, beginning at line 13, strike section 1101 and insert the following:

SEC. ___. AMERICA'S WATERWAY WATCH PROGRAM.

(a) SHORT TITLE.— This section may be cited as the ''America's Waterway Watch Act''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Homeland Security should establish, within the Department of Homeland Security, citizen watch programs that promote voluntary reporting of suspected terrorist activity and suspicious behavior.

(c) AMERICA'S WATERWAY WATCH PROGRAM.—

(1) IN GENERAL.—There is hereby established, within the Coast Guard, the America's Waterway Watch Program (hereinafter in this section referred to as the ''Program'').

(2) PURPOSE.—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, 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, United States Code) against a vessel, facility, port, or waterway.

(3) INFORMATION; TRAINING.—

(A) INFORMATION.—The Secretary, acting through the Commandant, may establish, as an element of the Program, a network of individuals and community-based organizations that 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.

(B) TRAINING.—The Secretary, acting through the Commandant, may provide training in—

(i) observing and reporting on covered activities; and

(ii) sharing such reports and coordinating the response by Federal, State, and local law enforcement agencies.

(4) INSTRUCTIONAL MATERIALS.—

(A) IN GENERAL.—The Secretary of Homeland Security, acting throgh the Commandant of the Coast Guard, may—

(i) develop instructional materials that—

(I) provide information on inland waterways, ports and harbors, and coastal regions for a specific region, as well as specific vulnerabilities and threats common to a specific region; and

(II) promote 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, United States Code) against a vessel, facility, port, or waterway; and

(ii) distribute such materials to States, political subdivisions of the States, or non-governmental organization that provide instruction on boating or vessel operation in conjunction with any other instruction provided.

(B) DISSEMINATION.—The Secretary, acting throgh the Commandant —

(i) shall ensure that such materials are made available to any person or persons; and

(ii) is authorized to require, as a condition of receipt of funding or materials, pursuant to subparagraph (A), that the recipient of such funding or materials develops a program to reach the widest possible audience.

(C) ELIGIBILITY, FEDERAL ASSISTANCE.—The receipt, use, and dissemination of such materials shall not diminish the eligibility of any State, political subdivision of such State, or non-governmental organization to receive Federal assistance or reduce the amount of Federal assistance that such State, political subdivision of such State, or non-governmental organization that otherwise receive.

(5) VOLUNTARY PARTICIPATION.—Participation in the Program—

(A) shall be wholly voluntary;

(B) 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

(C) shall not require disclosure of information regarding the individual reporting covered activities or, for proprietary purposes, the location of such individual.

(6) DEFINITIONS.—In this subsection:

(A) The term ''covered activity'' means any suspicious transaction, activity, or occurrence that involves, or is directed against, a vessel or facility (as that term is defined in section 70101(2) of title 46, United States Code) indicating that an individual or individuals may be preparing to engage, or engaging, in a violation of law relating to—

(i) a threat to a vessel, facility, port, or waterway; or

(ii) an act of terrorism (as that term is defined in section 3077 of title 18, United States Code).

(B) The term ''facility'' has the same meaning such term has in section 70101(2) of title 46, United States Code.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for

the purposes of this section $3,000,000 for fiscal years 2010 through 2015. Such funds shall remain available until expended.

(d) 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 Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

The CHAIR. Pursuant to House Resolution 853, the gentleman from Connecticut (Mr. HIMES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. HIMES. Mr. Chair, I yield myself such time as I may consume.

I would like to begin by thanking Chairman OBERSTAR and Chairman THOMPSON for their very diligent and intense work on this very important bill touching so closely to the topic of national security and making sure that our borders are secure and people are safe.

We have taken great strides in the last few years to ensure that our coasts, our rivers, our bridges, our tunnels, our ports and ships are safer than perhaps they were before. But the reality is that they are, as we all know, still vulnerable to attack.

With more than 95,000 miles of shoreline, more than 290,000 square miles of water and approximately 70 million recreational boats in the United States, the United States Coast Guard and local first responders simply cannot protect our Nation's waterways on their own. Individual citizens are often in the best position to notice suspicious activities that may be early indicators of terrorist activity. Any observations of suspicious or unusual activity could be extremely valuable to our national security, so we need a system in place to train volunteers to report their findings.

The amendment that I offer this evening strengthens, streamlines, and improves the national effort to engage local citizens in the fight to protect our waterways through the America's Waterway Watch Program. This program is an essential step toward improving our national maritime and homeland security outreach and awareness strategy, educating industry and the public on the need to be vigilant and to report suspicious activity. The amendment aims to develop a system to collect and share these reports.

My amendment would authorize full funding for this program for the very first time, allowing the Coast Guard to fulfill the promise of the program by providing resources, training support and awareness of best practices to our Nation's small vessel owners, recreational boaters, tugboat operators, fishermen and marina operators, those people who are day in and day out closest to where activity is likely to occur.

In the spirit of national security and with the support of the United States Coast Guard and the House Homeland Security Committee, I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. LOBIONDO. Mr. Chairman, I seek to claim the time in opposition, although I am not opposed.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. LOBIONDO. Mr. Chairman, we have no objection to the gentleman's amendment. The amendment would require the Coast Guard to establish the American Waterways Watch Program, which I understand is already in operation today. The language is identical to language that was offered by former Transportation Committee member from the State of Washington, DAVE REICHERT, as an amendment to the bill in the 110th Congress. So we have no object to its inclusion once again.

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

Mr. HIMES. I thank my colleague and friend from New Jersey (Mr. LOBIONDO) and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Connecticut (Mr. HIMES).

The amendment was agreed to.

Mr. CUMMINGS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HIMES) having assumed the chair, Mr. POLIS, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3619) to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes, had come to no resolution thereon.

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.

ASTHMA IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KAGEN) is recognized for 5 minutes.

Mr. KAGEN. Mr. Speaker, I appreciate having the opportunity to review with the Members of the House, and also with other people watching, one of the most important ailments of the country, and that is there is today an asthma epidemic all across these United States. The rate of asthma in terms of its incidence of morbidity and mortality has been increasing each and every year.

What we find here today is asthma in America has some numbers we all need to be aware of: 22 million people here in these United States suffer from symptoms of asthma. There are 4,000 deaths every year from people who have asthma that's totally out of control, undermedicated and undercared for. Too often today, patients will suffer from allergic reactions not just in the nose and the sinuses, which we call hay fever or allergic rhinitis, but also in the lungs, where we call it asthma, for asthma is nothing more than an allergic reaction within the lungs.

$20 billion is what we spend every year treating and diagnosing this condition. We can and must do better. In terms of lost days of work, over 10 million days are lost because people are ill with their asthma symptoms, and 13 million school days are lost each and every year because children are underdiagnosed and undertreated with this important condition. We can and we must do better, and one way to do that is to guarantee that patients receive an accurate diagnosis.

Recently, in the health care debate here in the House, much attention has been paid to primary care or to the medical home model where every citizen in the country would have a primary care physician to go to to receive their medical care, not just for themselves, but for members of their family as well.

So how well are the primary care doctors doing when taking care of these asthma patients? In a number of double-blind crossover control studies, we find that asthma specialists have been delivering higher quality and lower costs to the care of these asthmatic patients. There has been a documented 95 percent reduction in hospitalization when taking patients once hospitalized with asthma and then following the patients, whether they are referred to primary care or to an asthma specialist. There has been a 95 percent reduction in hospitalization, a 77 percent reduction in visits to an emergency room, and a 77 percent reduction in days missed from work.

Clearly, the evidence reveals that specialty care for the diagnosis, treatment and management of this chronic and often fatal disease is best handled by those who are specialists in the area. These facts have to be considered as we consider legislation that would compress people and, not force people, but guide them into primary care versus specialty care.

Throughout the country, specialists and primary care physicians have been working hand in hand and need to collaborate and cooperate when caring for patients, not just with asthma, but with all sorts of medical ailments.

And now that we are on the subject of health care reform, there are three essential elements that must be in a piece of legislation to pass this House and the Senate and to be signed by the President. They include not only no discrimination against any citizen due to preexisting conditions, but also transparency in the medical marketplace where every entity, every individual or business entity, that offers

medical products or services for sale to the public should at all times openly disclose all of their prices and guarantee that everyone has an opportunity to know the price of a pill before they swallow it and to guarantee that everybody knows the price of a chest x ray or any other medical procedure before they actually have that procedure done.

Transparency, that sunshine that's needed to help create a medical marketplace, is critically important. No discrimination against any citizen and complete transparency will help create that medical marketplace.

But we also need to develop a standard health benefit plan, one that will guarantee that if you are sick and covered by that standard benefit plan, you'll be in your house, not the poorhouse, a standard plan that each and every insurance company must offer to every citizen within regional markets to guarantee that a marketplace creates that competition to drive down prices immediately, not in 2013, but in early 2010.

Asthma is an important condition. It's a very common condition, best managed by specialists who cooperate collaboratively with primary care physicians.

As we go forward to reform our health care system, I hope that the House leadership will understand how important it is to collaborate between primary care and specialty care and to guarantee that no discrimination, complete transparency in medical pricing, and the standard health benefit plan will exist in our legislation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. DEAL) is recognized for 5 minutes.

Mr. DEAL of Georgia. Mr. Speaker, with my apologies to Charlie Daniels, I have some new words for one of his songs, and it goes like this:

Democrats went forth from Washington carrying a bill they wanted to seal. They were in a bind because they were way behind and looking for some doctors to deal.

You may think your health care is in pretty good shape, but give the Dems their due. They're willing to bet a fiddle of gold against medicine sold because they think they know better than you.

Mr. Speaker, I rise today to deliver a message to physicians and their patients across our great Nation. Don't be fooled by political attempts to buy off your support for a bill which the American people have already rejected. Despite the President's claim that health care reform will not add to the deficit, there is one very large problem: Medicare physician payment reform.

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Just yesterday, Democrats in the other body attempted to force through a bill which purported to fix a fundamental flaw in the way Medicare pays physicians. Attempting to move this legislation outside of the context of a health care reform package only underscores the fact that the fix is not paid for, will add to the backs of all American taxpayers, and is being used as a political bait-and-switch to lure providers into supporting a flawed health care reform bill that has already been rejected by the people.

President Obama has made repeated promises that he will not sign a health care bill that ''adds one dime to our deficit, either now or in the future, period.'' By that very logic, the bills that are now pending in the House and the Senate are dead on arrival if President Obama wishes to keep his promise to the American people.

The problems with the sustainable growth rate, commonly referred to as SGR, have forced this body to act repeatedly to override detrimental cuts to physician reimbursement that is prescribed by this flawed formula. At the very core of this issue is patient access to physicians which literally hangs in the balance. If these cuts are allowed to occur, seniors will face an unprecedented loss of access to care, and doctors will be unable to continue to treat seniors when payment rates are far below the cost of providing care.

With a looming 21.5 percent reduction in reimbursement scheduled to go into effect at the end of this year, it is not surprising that the administration would use this political leverage to advance an agenda for health care reform that on its own merit has been and continues to be rejected by many of the American people.

Aneurin Bevan, the Minister of Health of Great Britain, when asked how he convinced his country's physicians to go along with the government takeover of health care, said, ''I stuffed their mouths with gold.'' Mr. Speaker, this Congress and the Obama administration are attempting to do the same with fool's gold. Instead of being honest and forthcoming with the American people, the administration and Democratic leadership in Congress are choosing simply to ignore the cost of fixing SGR using budgetary games that will add another $250 billion to the Federal deficit. Clearly, dimes aren't being added to the deficit, hundreds of billions of dollars are. This, of course, is in addition to billions of new taxes on individuals and small businesses and cuts to popular Medicare programs like Medicare Advantage.

What is at stake is our ability as a Nation to enact meaningful reforms which drive down cost, improve quality, and increase access to health care coverage of Americans by their own choosing. In fact, CBO estimates that tort reform alone would save Americans over $54 billion over the next 10 years, and that's just one example. So much for bending the cost curve, though, because malpractice reform is being left behind to be fixed another day.

So to my colleagues and physicians looking to strike a deal on that fiddle of gold, remember, it is not your own soul that this legislation will steal; it is the soul of health care in America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WEINER) is recognized for 5 minutes.

(Mr. WEINER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. POSEY) is recognized for 5 minutes.

(Mr. POSEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 5 minutes.

(Mr. WESTMORELAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PROGRESSIVE CAUCUS HOUR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Let me thank the Speaker for recognizing us today. And

let me also thank Mr. JARED POLIS, who will be joining me today for the Progressive Caucus hour.

We come together every week to talk about a progressive vision for America, a progressive vision, one that says, look, we all count, we all matter, we all need health care, we all need clean air, clean water, food free of pesticides, and now we all need health care. We need health care that works for everybody. We need to cover the uninsured. We need to stop the escalating costs for those of us who may have health care but see our premiums rise and rise and rise, doubled over the last 10 years, doubling over the next 10.

So tonight, Mr. Speaker, we come together to talk about health care, to talk about the fact that we are within grasp of major health care reform. The American people not only want it, they demand it, and they demonstrated their interests in the last election, which not only landed Barack Obama in the White House, but landed us in firm majorities in both the House of Representatives and the Senate.

So let me invite you and yield to Mr. POLIS of the great State of Colorado, who will share a few remarks as we jump into this subject of health care.

Mr. POLIS. Mr. Speaker, I rise to share with you stories of real people and how health care impacts real American lives every day.

One of my constituents from Westminster, Colorado, Barbara Graham, contacted me the other day and shared her story that I want to share with you.

In 1970, Barbara's daughter was born with cystic fibrosis. The longest period of time she went without being hospitalized was 7 months. At that point, they had insurance, and Barbara told me that unlike today's insurance, it covered all of her stays and it didn't cost them an arm and a leg. Unfortunately, her daughter died 6 weeks before her eighth birthday. Her son was born with cystic fibrosis in 1976. He is still alive, but because of his condition, today he has no health insurance. He is self-employed, and he couldn't begin to afford the cost of insurance with a preexisting condition like cystic fibrosis.

His and his mother, Barbara's daily thoughts are, how long can they get help from the Cystic Fibrosis Foundation, from family members trying to patch together what they need to help with his medication and his needs? How long can her son stay healthy enough not to be hospitalized because hospital stays have cost him everything? He can never accumulate assets, his hospital stays wipe him out. The last time he was sick he was turned away. His mother has watched him where he can hardly get a breath of air without thinking that it might be his last.

Yes, Barbara tells me, our country needs help with the health care industry. Barbara says that having an illness and a preexisting condition is not elective, and it's a shame that insurance companies control how and when a person is treated. Barbara watched—and how difficult it is for any parent to watch—one of her children die because of our health care system, and she fears and she writes that she will probably watch her son die before his time because of his inability to access health care.

Barbara wants us in Congress to remember those who can't help themselves because of illness. Well, in the health care reform plan before us, we ban pricing discrimination based on preexisting conditions. Through creating exchanges, we allow people like Barbara's son, who is self-employed, to have access to a low-cost option with some of the same negotiating leverage that a 10,000 or 100,000-person company might have through an exchange which allows for great choices between many private insurers and the public option. He would also receive affordability credits depending on his income—for an individual up to 300 times poverty, up to about $42,000 a year in income. Barbara's son will receive affordability credits to buy the insurance that he needs through the exchange, which will be affordable because they won't be able to discriminate based on his preexisting condition.

It is for families like Barbara's and to make American families stronger that the United States Congress needs to pass health care reform.

Thank you, and I yield back to my friend from Minnesota.

Mr. ELLISON. Let me thank the gentleman for yielding. And I will be yielding back to the gentleman in a moment.

It's so important that we keep this conversation real, real people going through real things. I want to thank you for bringing the story of that family to the floor of the House today. They deserve to be heard.

This is the progressive message, the Progressive Caucus Special Order hour, and I just want to share a few things.

As the gentleman from Colorado talks about real stories, let me talk about things a little more globally. Let me say that there are highlights that you need to know about regarding whether the American people want health care or not.

The majority has now backed two key and controversial provisions, both the so-called ''public option'' and the new mandate requiring all Americans to carry health insurance. Polling has demonstrated that the American people support both. Independents and senior citizens, two groups crucial to the debate, have warmed to the idea of the public insurance option. Fifty-seven percent of all Americans now favor a public insurance option. The fact is, 56 percent of all Americans favor a provision mandating that all Americans buy insurance because Americans know that if you decide to not get insurance and all the rest of us do, when you get sick, we are surely going to take care of you. So everybody has to help out and do what's right as part of this.

The number rises to 71 percent, should the government provide subsidies for many low-income Americans to help them purchase insurance; 71 percent of Americans say that we should do that.

I want to yield back to the gentleman. Maybe if you have some more stories, you can share them; otherwise, I can keep running down how things are going more globally.

I also want to share some stories tonight, but if you've got a few ready to roll, let me hand it back to the gentleman from Colorado.

Mr. POLIS. I thank the gentleman from Minnesota.

I rise to share stories of real people that highlight the urgent need for health care reform.

Eileen Fink of Colorado Springs is what we might think of as a soccer mom. Her kids, she told me, have a reputation for being involved in sports. They are a healthy and athletic family, but they, like many American families, lost their health care insurance. They encourage their kids to power on, play sports, have fun, live a normal and happy childhood. No one in their family was reckless, but they had a bad year when they racked up several orthopedic injuries in a short time with no insurance. This could happen to any family. Their daughter racked up over $10,000 in bills after a fall that required reconstructive surgery and steel rods in her bones. Their other daughter fell ice skating, broke her wrist. That was a $3,000 bill. Finally, their 14-year-old son broke his wrist, and feeling sorry for the family's financial predicament, he hid that for 9 days; he didn't tell his parents that his wrist was in pain or what he was suffering from. One night he finally said, Mom, I think I broke my wrist a while back, but I didn't want to make you cry about the bills. It turned out it was broken on a growth plate. The police came to question Eileen about the delay in treatment. Ultimately, it was her son who tried to protect his own family from the bills, hence the delay in treatment. What does that teach him about access to health care? Eileen feels terrible that her son suffered so long trying to save the family financially.

Eileen asked us in Congress to help hardworking families like hers. And she added that, by the way, my husband is Republican, but sees this as an important issue, too.

Families are bipartisan, families are nonpartisan. Whether they're registered to vote, whether they vote, whether they're Republican, when they're independent, whether they're green, whether they're libertarian, whether they're Democrat, what kind of system forces a 14-year-old kid not to tell his parents that he's hurt because he's worried about his mother crying because they can't afford the treatment?

Under health care reform now before Congress, families like the Fink family would have the option of getting insurance through the exchange, a low-cost

option that people who are self-employed or work for small businesses would have that would give them the same negotiating power and leverage as multinational corporations. Families like the Finks would also receive affordability credits and have the guarantee that they would have no more than $10,000 out of pocket in medical expenses each year, preventing them from bankruptcy and from having to worry and having to worry their children about the cost of medical care.

It is urgent that this United States Congress keep families like the Finks in mind, soccer moms and soccer dads across the country, any of whom could be affected by the breakdown and the failures of our current medical system.

It's for families like the Finks that I call upon my colleagues in the United States Congress to pass health care reform and send it to President Obama's desk before the end of the year.

Thank you. I yield to the gentleman from Minnesota.

Mr. ELLISON. Let me thank the gentleman for yielding.

The gentleman is doing a great job highlighting what Americans are going through. Americans of all descriptions—Americans in the suburbs, Americans in the city, Americans in the rural areas, Americans in the East, the West, the Midwest, the South, all over America people need health care reform. They need it if they have health care through their job; they need it if they don't have it at all. We need health care reform and we need it now. The American people have sent a resounding message, and it's up to the American Congress to act now and not play politics.

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Because, as the gentleman pointed out, even if you are a registered Republican, or a registered Democrat, no matter what you are registered for, the fact is that when you have an injury or an illness in your family and you have to consider what to do, given the costs that you will face or all the other implications, you don't really think about politics, you think about getting some care that you can afford. So the Congress has to be responsible and do the right thing.

Let me just say this, just a few stats. These are stats I am talking about. The gentleman from Colorado has been talking about real-life stories. Let me paint a more global picture for a moment, and I will yield back.

Forty-two percent of Americans have changed their health care coverage in the last 5 years. Thirty-eight percent of Americans worry they will lose their health care coverage in the next 5 years. That is a lot of people. Almost 40 percent are worried they will lose their health care coverage. That is a big deal.

The fact is that from 2003 to 2007, about 36 percent of Americans either experienced gaps in their insurance or relied on government insurance for all or part of their coverage. That is a lot of people, fully a third. Fully a third of Americans in that 4-year period had gaps in their insurance or had to rely on government to keep things afloat for their family. This is a big deal.

A few more stats I would like to share before I yield back to the gentleman from Colorado. According to The Urban Institute, as many as one in five uninsured Americans is uninsured because of a change in or loss of job. When you lose your job, you lose your health care insurance, unless you can keep up with COBRA. But then, of course, that is on you to pay for, and if you don't have a job, you might not be able to cover that COBRA.

The fact is that people are suffering in individual homes, in apartments, on farms that they live on across America, and they are struggling in large numbers when we aggregate them and look at them statistically. They are dealing with a lot of tough things out there, and it is time for Congress to act.

Let me say in 2008, the average cost of an individual plan was about $4,704. That is 2008. A family plan was $12,608. $12,000. That is an enormous amount of money in the course of a year. These numbers will double in the next 10 years, eating up a greater percentage of the family budget, chewing into expenditures that the family has to make for vital things just to be able to make it and just to be able to do well.

The reality is the time for change is now. No more delay, no more scare tactics, no more stories about community schools, about sex clinics; no more stories about death panels or stories about it is only covering the uninsured because everybody else has insurance. No, we need real reform for everybody. North, west, east, south, we need it now.

I yield back to the gentleman for another one of those great stories he has been sharing with us.

Mr. POLIS. I thank the gentleman from Minnesota. A friend of mine, a resident of Thornton, Colorado, but it might as well be Fresno, California, or Houston, Texas, or Mobile, Alabama, it doesn't matter, Lynn Zimmerman of Thornton shared her story with me. She wants to see a public health care option similar to Medicare in this country.

Two of her sons are working for minimum-wage jobs currently, and they can't afford health care insurance. Those in their community that earn between $1,000 to $1,200 a month can barely pay rent and car insurance, barely put food on the table. How can they expect to pay for health care on top of that, which they frequently, in the case of her two children, don't receive through their job? Their employers don't offer a health care package, and they are no longer college students so they can't be on Lynn's plan.

Lynn is a teacher, and a darn good one. But she shared with me that her health care plan has gotten so expensive that it is an issue every time the teachers union goes through negotiations with the district.

The district can't afford health care coverage for their employees. In order to afford the health care coverage, teachers have been taking pay cuts for a decade. They still get a nominal pay raise, but the portion of the health care plan has been raised more each time they negotiate, and their take-home pay has been cut.

Lynn tells us that the current insurance programs spend too much time and money trying to deny payment for procedures that are covered under their health care plan. Lynn suggests, and with a tremendous amount of common sense, why don't we get rid of the people pushing papers and denying coverage, the very people that are driving costs in our system?

That speaks to the critical reason of having a public option as an alternative, to provide real competition for insurance companies, so insurance companies with exorbitant CEO pay, insurance companies that spend the money that we pay them with our premiums hiring people to deny the very claims that we retain them to pay out on, will be held competitive and forced to be competitive to retain their customers.

Having a public option which is revenue neutral—they will have only the premiums that we allocate to them to pay out in claims—will help keep the insurance companies honest in their competition as a critical component of health care reform.

Lynn finally implores Congress to act now and make good on our promise to the American people to improve the access and quality of health care so that Lynn's sons can have access to an exchange, a low-cost option that gives them buying insurance as individuals the same negotiating leverage as a multinational corporation with 100,000 people, that gives her sons affordability credits, for an individual up to about $42,000 a year. Her sons making $12,000 to $15,000 a year will get affordability credits that will pay for almost all of the cost of insurance through the exchange.

What a transformative difference health care reform will make in the lives of the Zimmerman family and in the lives of millions of other American families like the Zimmerman family that are the backbone of America.

I yield back to the gentleman from Minnesota.

Mr. ELLISON. Let me join the gentleman from Colorado, Congressman POLIS, who is doing such a great job, in offering a few stories that people are dealing with out here today. We also want to just thank the gentlelady from the great State of Illinois. JAN SCHAKOWSKY is here joining us right now, and as she gets her bags straight and everything, I am going to just share one story from a family that is really, really working and pulling for real health care reform. Let me say I

will just leave the last names out just to protect folks.

Kelly is 50 years old and her husband is 55. They are both retired employees. They are retired from an American company. After a 2004 horseback riding accident, Kelly was in a coma for 3 weeks. Her insurer, United Health Care, refused to cover her emergency surgery. To this day, Kelly has no memory of the incident.

David called UHC from the hospital in the waiting room to report the incident, but the company denied coverage, saying David hadn't reported the incident. On top of that, the company told David the hospital was out of network.

The company, the health insurance company, eventually paid about half of Kelly's medical costs, which left the family with about $200,000 in bills. $200,000 is a lot of money even if you already have a lot of money. But that is how much they had in bills.

They were able to hold on to their house, but only by selling almost everything else they owned and declaring bankruptcy. Yes, bankruptcy. Kelly tried to go back to her job in the computerized drafting field, but the brain damage was too severe and she just couldn't do the work anymore.

David, also retired after 20 years as a communications technician, he suffered an on-the-job injury to his spine. To this day they pay about $1,645 a month, which is a lot of money, to the bankruptcy court, and hope to be out of debt one day.

So that is just one story. But their story could be dramatized by the number of people who file for bankruptcy because of medical debt. More than half of the bankruptcy filings are due to medical debt that is just crippling families. Health care reform will bring that nightmare to an end, so we look eagerly towards it.

I think the gentlewoman from Illinois is ready to hand it to the folks, so let me yield to the gentlelady and thank her for coming, JAN SCHAKOWSKY.

I yield to the gentlelady from Illinois.

Ms. SCHAKOWSKY. Thank you so much, Mr. ELLISON.

I was watching this wonderful Special Order on television. I wanted to share a couple of stories that I have, both from my district and from testimony we have recently had at a committee hearing.

I wanted to tell you about one of my constituents, Marie, who owns a candy store in Wilmette, Illinois. After she and her husband were denied coverage, they were finally able to find a policy that will cost them $1,700 each month in premium and out-of-pocket costs. So how many small business entrepreneurs can afford that, particularly in today's economy?

Or take Jim Kelly of Glenview, Illinois, who works for a small business that can't afford to provide coverage to its workers. Jim and his wife are forced to take, in his words, ''a risk.''

''We are paying cash for our medication and hoping that nothing major happens until we are eligible for Medicare.''

Americans shouldn't be asked to gamble their lives, and I think it is time for solutions.

Then in committee we heard from a man named, let's see, his name is Bruce Hetrick. This was a panel of small business owners. He said, ''You should know that I am a hearing-impaired, migraine-suffering, diabetic cancer survivor who is also the father of a cancer survivor and the widower of a cancer victim. So I have experienced more than my fair share of the American health care system.''

I would add, to say the least. He wasn't whining, believe me. This was a very brave guy. But he wanted to share some of his frustrations.

He said, ''Health care and health coverage inflation is small business' enemy number one. My company pays 80 percent of employee premiums and 50 percent of dependent premiums. That is higher than typical firms like ours, but it helps us attract and retain good people. It also leaves us with a painful choice: Either the cost of health coverage cuts into our profits, or, if we pass it along to our customers, it renders us more expensive.''

Then he gives us an example of something that happened to him.

''My late wife,'' he says, ''Pamela Klein, who was also my business partner, was covered by our company's health insurance. In the last year of her life, the bill charges for Pam's cancer care totaled $300,000. A few months before her death, our health insurance renewal came up. Lo and behold, the quoted increase for the health insurance portion of our benefits plan, just the increase, was a whopping 28 percent. That would have been devastating to our business and our employees. When Pam died just shy of the actual renewal date, I had our rates requoted. With Pam out of the mix, the increase for the very same health insurance coverage was just 10 percent.''

A 28 percent increase reduced to 10 percent because of one person in need of care. That is the kind of thing that small businesses are facing. The underwriting is based on maybe 5, 10, 15 employees. And I wonder what an employer thinks when somebody perhaps with an obvious disability walks in? They have got to be thinking, can I really afford to hire this person? And that is not right in the United States of America.

I have got another one, but I will yield to either one of you to tell us your story.

Okay, let me tell you about Mick Landauer. He owns a small business, and he has been an owner for over 30 years, and one of the perks he offers, to quote him, ''I offer the company's group insurance for those employees who desire coverage. The cost split is on a 50–50 basis, and those costs keep going up.'' He says, ''The rates for employees have been rising tremendously. In order to keep them down, our deductible has been rising instead. Our monthly premiums are now around $400 for an individual, $800 for a family. The deductible is $8,000 for an individual policy and $16,000 for a family plan.

The muffler shop that he owns ''pays for half the deductible with the plan we have now, which is a lot of money.'' He says, ''Last year we had deductibles of $4,000 for an individual and $8,000 for a family. Two years ago the deductible was at $2,000 for an individual and $4,000 for a family.'' Then he says, ''I expect deductibles to double once again, with monthly rates going up by $500 or $1,000.

''How can this be, you may ask,'' at the committee hearing? ''It is because one employee was born with a congenital heart disease. He visits a specialist twice a year. A routine visit may cost from $1,200 to $1,500. Any specialized tests will run $10,000 and up. The employee with the heart condition, that is myself.''

This is a business owner. ''The only way I see to keep our monthly rates and deductibles reasonable is by removing myself from the company policy.''

□ 2045

I will not be able to get health insurance anywhere else, as I turned down our company group plan that's available to me. So I ask you, what options do I have? Pay for my own medical costs, in which case I'd be forced to sell the business; quit going to doctors, including the congenital heart specialist; or maybe move to Canada, which has a national health plan and ultimately being forced to sell my business.

Are these the choices that we should give to anyone in our country? I think maybe I'll move to Canada in order to get covered? Or give up my business? This just isn't right. That's why the legislation with the robust public option is the answer for people like this.

Mr. ELLISON. I thank the gentlelady for yielding.

I'll next yield to the gentleman, Congressman POLIS.

Mr. POLIS. You know what strikes me with the moving stories that my colleagues the gentlelady from Illinois has shared and the gentleman from Minnesota? You know, it doesn't matter whether you're from Texas or Minnesota or Illinois or Arizona or Colorado or New York. Kids everywhere get broken wrists. People anywhere could have a congenital heart condition. These are not the fault of the individual. These are preexisting conditions. It could happen to you. It could happen to me. It could happen to your sister, your brother, your cousin.

We all want to have that there, something there in case our own family faces this kind of situation. We all want and should be demanding and can demand now, by supporting health care reform, preventing discriminating based on preexisting conditions, preventing exclusions based on preexisting

conditions. The gentleman in the story that my colleague and friend from Illinois just shared with us would have access to an exchange, a low-cost option that would give him the same negotiating leverage as multinational companies with hundreds of thousands of people in buying his health care insurance, with a public option that would give him the choice and keep the competition and ensure that there was intense competition within the exchange.

Depending on people's income level, up to several hundred percent of the poverty line, they will get affordability credits. For a family of four, up to $70,000 a year in income, they'll get affordability credits. And if they don't get their insurance through work, they'll be able to purchase them on their own through the exchange. It doesn't matter. Could be somebody from Illinois, Minnesota, Colorado, California, Texas, New York. These are American families we're talking about, and health care reform can help make American families stronger.

I yield back to the gentleman from Minnesota.

Mr. ELLISON. I thank the gentleman for yielding.

You know, Congressman POLIS, you're hitting the square tonight, as is our colleague from Illinois, Congresswoman SCHAKOWSKY.

Let me just take a moment to talk about myths for a moment before I hand it back to the gentlelady from Illinois. The fact is that as we stand here on the House floor tonight talking about the urgency of health care reform now, we want to also convey the idea that this is something that every American can participate in and can get involved in and can call their Representatives to talk about the importance of reform. But let me just talk myths, as I said a moment ago.

There's this idea out there that the public option is some government takeover or even a government-run program. It isn't true. The fact is the public option is a program where you'd have private doctors, where you would have the doctors of your choice that you could go to. It would be a low-cost alternative. And it certainly wouldn't be some kind of a takeover thing that they're talking about.

The idea that mandated health care is a new tax is also false. We're paying already for people who aren't covered. If you show up at the emergency room, we're taking care of you, so we're already paying. It's not a new tax on anybody.

There are other fallacies we'll talk about, and we'll talk about more as the hour wears on, but the fact of the matter is there are myths out there that must be debunked. And the American people are smart and they know very well what's right and what's good, and that's why a full majority continue to support the public option.

Let me yield to the gentlelady from Illinois.

Ms. SCHAKOWSKY. I thought you'd be interested in this. We had testimony again in the committee from a man named Fred Walker who said, I thought it was my duty—he told his own story, but then he says, I thought it was my duty to ask friends, family, and mentors their opinion on this issue, and so he's paraphrased some of their responses, he says. Let's see.

Jack Grayson, owner of Seminole Realty, and my cousin who looks after me like a brother, told an unheard story about the 13-year battle his departed wife, Peggy, had with cancer. And I quote, ''The last few years our copays were $3,000 to $4,000 a month, and we had good insurance. What do the less fortunate do?'' Peggy passed in 2000. Jacks says we have to help those who can't afford the proper care.

Bob Howes, my friend and keyboard player, delivers car paint 2 days a week and plays music for money as much as he can to survive. Bob has an ongoing battle with skin care and has run out of options for treatment. He's conceded death within a few years.

Bill Walker, my cousin who is an RN and sells pacemakers for St. Jude Medical Division. Bill travels a lot and likes the French and the Canadian system. Most of my middle-aged, right-wing buddies who live week to week could never afford health insurance. Their clock is ticking and they don't have a plan.

And then he says, I'd like to note that while polling my friends and family on October 15, I finally found someone who is very happy with their health care. Pete and Pat Lamb are dear family friends and over 70 years old. Their combination of Medicare and coinsurance has provided well for them.

So finally, the people on Medicare are the only people he found that were really happy with their health insurance. But we have a bill now that's before us, a couple of days now, 2009, historic year, we're going to be able to, if we do a bill with a robust public option, make sure that every American can afford health care, and we're going to end these horror health care stories.

Mr. ELLISON. The gentleman from Colorado.

Mr. POLIS. I thank the gentleman from Minnesota for the time.

I want to share with you the story of Gerry from Boulder, Colorado. Several years ago, Gerry wanted to have an MRI on his left shoulder to determine the cause of rotator cuff pain that was becoming increasingly bothersome and disabling, but it took his insurer, Anthem Blue Cross, over a year to approve the procedure. In the meantime, he had to deal with that pain every day.

Gerry also shared that when his son turned 25, he needed to have his own health care insurance policy. And his son is healthy but takes an antidepressant. As a result, the insurance companies list him, like tens of millions of other Americans, with the scarlet letter—a preexisting condition. And he has to pay over $300 a month for a basic policy for a healthy 25-year-old, and that's despite the fact that his doctor wrote to the companies indicating the condition is very stable and is not currently in treatment.

Gerry's doctor now charges a membership fee so that he's able to have the ability to see less patients for longer amounts of time. He needs to have several clerical staff just to handle the insurance claims of the different companies. Each company, of course, requires different information.

Gerry and his wife pay a combined $7,200 a year in health insurance premiums, and they have coverage, but they still have to pay about $10,000 a year out of pocket for prescription drugs.

Gerry shares with us that our system may work when you're young and healthy, but it fails as you age and need care. What kind of health care system fails when you need health care? When you don't need health care, it works. When you need health care, it fails.

Mr. ELLISON. Will the gentleman yield?

Mr. POLIS. I will.

Mr. ELLISON. How would you like to have a car like that?

I yield back.

Mr. POLIS. That's right. When you don't need to go somewhere, the car works fine. The minute you need to get to work, the minute you need to go somewhere to visit your family, the car doesn't work. What kind of car is that? That's a lemon.

Ms. SCHAKOWSKY. It works fine. Although, let's remember, you're continuing to pay premiums, often very high ones every single month, even when you don't need it.

Mr. POLIS. That's right. And let's say you get in one accident or one speeding ticket, you're uninsurable for the rest of your life and you can't drive.

Well, these are our bodies we are talking about, not cars. And if you have one illness, one preexisting condition, you are virtually, if you try to buy insurance on your own, uninsurable for the rest of your life through no fault of your own. And that's what Gerry's son is going through at 25. Just takes an antidepressant, healthy kid, can't get insurance, pays a lot for a very basic program that isn't even comprehensive.

There are tens of millions of American families like Gerry's and others that will benefit from us passing health care reform now.

Mr. ELLISON. Well, let me share a quick story, and this one I don't have written down, but it actually happened to me when I had a town hall forum in my district in Minneapolis, Minnesota, and we had a packed-out room.

And I had this friend who was actually helping me get boards that I was using for a presentation, and she's just a wonderful person and I've known her for many years. And she was running around getting boards, getting coffee,

helping people out, just sort of getting people signed in who showed up. That's the kind of person that she is. She's just good people.

Anyway, she—after it was all over, it was pretty emotional. It wasn't bad, but it was a strong and powerful time. She said—she gave me one of those looks, Mr. Speaker, where it's like she said to me, I've got to talk to you. And I said, Okay, because I could have said, you know, Don't you see all these people? I'm busy. I'll get with you. I'll call you. But the way she looked at me, I said, Okay. So I said, You guys hang on.

So we went over to sort of like the corner of the room as people were filing out and she looked at me with eyes full of water. She looked like she could cry at that moment, and she said, you know, I just need to tell you this. I'm 39 years old. I have two teenage sons. My mother and my mother's sister, my aunt, both had breast cancer, and we lost my aunt last year. My sister has had a positive diagnosis, a mammogram. She's being treated now. I don't know what to do because I know that I need to go get the exam, but I also know that if I get it, they're probably going to say I have a preexisting condition. I could be dropped.

This young woman, full of life, full of care and concern about everyone else, said to me, I'm too young to die. I've got teenagers. That's who she's worried about. She said, If I go get the test, they could drop me for having a preexisting condition. If don't get the test, I don't know what illness is growing within me, and I don't know what to do. I said, You know what? I'll make a personal pledge to do everything I can do to make sure that there's answers for you and your family, and that's my promise to you. And I shook hands with her that moment, and I'm down here on this floor today telling her story.

And I yield to the gentlelady from Illinois.

Ms. SCHAKOWSKY. You know, women are really discriminated in health insurance. The average woman, 40 years old, pays about 48 percent more for health insurance. And our committee did some research, in the Energy and Commerce Committee Oversight and Investigation Subcommittee, and we found that a 21-year-old woman was paying 143 percent more, healthy woman, than a healthy young man of the same age, 21 years old.

I think the worst story I have heard so far is a young woman—it has to do with reproductive—it has to do with what it is to be a woman, and we're discriminated against. And this woman went in and had a—had to have a cesarean section for her baby. Her insurance company told her that if she wanted to maintain her coverage after the cesarean section, she would need to be sterilized. I kid you not. People I've told that to gasp. We have the woman. We can, you know, present her. She's a real living person to whom that happened.

And then, a couple of men who were testifying before our committee, both of them were recommended to get a divorce from their wives so that the wives could go on Medicaid and, therefore, they would get the health care that their—one, a hemophiliac child, and another who had needed a liver transplant. That was the answer that they were given. Get a divorce, and then your wife may, and child may be eligible for Medicaid.

What is going on in the United States of America when one woman is told to get sterilized and two couples are told to get a divorce? The choices, the options are wrong. We need a public option, a robust public option that gives people a choice of a plan that competes with the insurance industry that has brought us to this time of crisis right now. It has to stop.

□ 2100

It's only going to get worse if we don't pass legislation that gives people a real choice, real competition and start to bring some sanity to our nonsystem of health care in this country.

Mr. ELLISON. Let's kick it to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. People wonder why there's such passion with this issue created on both sides of the aisle. It's because this issue is an issue of life and an issue of death.

One of my constituents from Boulder, Colorado, asked her name not be used for her very personal story but wanted me to share it with the people of the country and my colleagues in Congress.

She tells us that she doesn't even consider her story unusual. Her sister was 62 and hadn't been able to afford health care for most of her life even though she worked as a legal secretary.

Sixty years ago, her son, the niece of my constituent from Colorado, became very depressed at age 24. He was a part-time student, he didn't have access to any health care, let alone the mental care he so desperately needed. And 60 years ago on the night of July 4, he went to a park and shot and killed himself. The devastation to her sister and their entire family, as any of us know, is beyond words, beyond explanation.

''Isn't my nephew as important as any politician or rich person in this country?'' And that could be a question that any of us asks. She writes that health care is a right for all citizens, and there must be a robust public option. This could be any American family.

We're talking about lives like the life of this young man with mental health parity, with access to mental health service. He first of all could have been on his parents' plan up to age 26 under our plan. If he wasn't able to participate in the parents' plan, he would of gotten affordability credits for his own plan to get insurance through the exchange, including a public option.

How many lives must senselessly end like this before Congress acts? It's stories like this that continue to multiply; and until Congress takes action, we're going to have more unnecessary deaths. And that's why people get so passionate about this issue. We're talking about life and death; we're talking about people from across the entire country and what health care reform really means to them and their loved ones and their security.

Mr. ELLISON. Let me thank the gentleman again.

The points are powerful. As you mentioned, the robust public option, I have to mention that the question emerges, Who wants a public option? Who wants it? Doctors want it. About 63 percent of all doctors say that they want a health care reform plan that includes both a public and private option. There's another 10 percent of doctors who say they want a public option only. They just want a single-payer like I want. And so that is a full two-thirds.

So doctors want it; two-thirds of doctors want it. Nurses want it. They're on record. Nurses want a public option health care reform. Congress wants it. Congress wants it, and we're going to show that and not too long from now. Faith communities have come forward and said, We want a public option. The President has publicly stated he prefers a public option. He's made this very clear. He's on record. Go out and Google it. And the American people want it, too.

The most recent poll showed 57 percent of Americans want a public option. It has been up there in the 60s, in the high 50s. We want a public option. We have to fight hard to get it. It won't be easy, but we're going to do it.

Let me just say this: a young man tells me he wants to know measures to encourage more medical students to enter primary care, what can we do about that and health care reform; and he also had some views that he wanted to express about tort reform.

But can I just ask you guys, either one of you would be interested in taking on this one. What about encouraging medical students to do primary care? Is that an important part of health care reform in your view?

Ms. SCHAKOWSKY. Absolutely. I think our legislation is going to create incentives for medical students to go into primary care, not necessarily a specialty, and to make sure that we help them afford their medical education, which is so important. Young people going through medical school can end up with tens of thousands of dollars' worth of debt. We want to make sure that it's affordable for young people to go into health care.

And the reason that primary care is so important is then we have the opportunity to keep our people healthy. We can take care of all of those things before they become sort of a crisis that's going to need some sort of surgery or some sort of dramatic or long-term care. So that is built into the legislation. And, in fact, I am going to be

speaking to some medical students this weekend who are very much supportive of our legislation because they know that it will give them an opportunity to go into primary care and be able to make a living and do what our country needs.

Mr. ELLISON. Let me offer a few other thoughts, that is, as we are embarking on this effort, we're on the House floor tonight—Progressive Caucus comes week after week. We've been talking about health care since summertime. We're going to have to get another topic but not until we get health care reform.

But I just want to take a moment to say this is an opportunity to talk about what real people are going through.

I want to tell folks about Courtney. She's 31 and a mother of a toddler. In college, she was diagnosed with Crohn's disease, a debilitating and chronic digestive illness, serious illness. If you have any experience with Crohn's disease, you know it's tough.

To control her disease, Courtney needed expensive medication, about $1,500 worth of shots four times a month. After first approving the treatment, her health care provider, United Health Care, denied Courtney coverage of the medication 12 months later saying that the shots were no longer medically necessary.

Courtney and her doctor fought the insurer; and by January of 2009, the company reinstated coverage of the medication, but it was too late. Courtney's condition had already deteriorated, and she was in chronic pain with decreasing energy and quality of life. In May, she underwent major surgery, spending a week in the hospital and missing almost 2 months of work.

I yield to the gentleman from Colorado.

Mr. POLIS. Thank you. I thank the gentleman from Minnesota.

You alluded to other topics.

I want to take this opportunity to remind our viewers that for the cost of the war in Iraq and Afghanistan, not only could we cover every American with health care, but we would reduce the deficit by hundreds of billions of dollars over 10 years. And I know that that is a topic that many of us plan to return to as well.

But I would point out, to put things in perspective, there were those on the other side of the aisle that didn't ask, didn't worry how much it would cost to invade and occupy not one, two countries; didn't ask how long it might cost to be there 10 years, 20 years, how much to increase it 40,000 troops, 60,000 troops, 80,000 troops.

But there's a new-found commitment of fiscal responsibility when it comes to health care. And I am proud to say that the Democratic plan fully pays for health care reform. Not only will it fully pay for health care reform, but it will reduce the budget deficit over 10 years and help rein in growing health care costs.

I think it's important to put a human face on what health care reform means for American families.

I want to share with my colleagues in the House the story of Deborah Abbott Brown from Boulder, Colorado. Deborah, like a lot of Americans, lost her job about a year ago in the recession so she was faced with COBRA payments. Her COBRA payments would have been $1,800 a month to continue the health care for her family. She couldn't afford that. That was more than her mortgage payment, and at the same time she was losing her income. How could she afford $1,800 a month in COBRA payments?

So she wanted to turn to—being responsible and wanting to keep her family with some kind of insurance—she turned to the individual insurance market in Colorado to try to find affordable coverage. She thought, You know, I'm willing to pay a reasonable amount and maybe we'll have some kind of high deductible or catastrophic plan. But she soon found out that her family was denied coverage on the individual market even though one of the companies she applied for was the same provider of the COBRA care that she couldn't afford.

The reason is that her husband, Deborah's husband, had recently turned 50, completed his baseline colonoscopy, as was recommended by his physician, and was told that the procedure counted as a surgery and in the individual market they would not offer insurance to anybody who had a surgical procedure in the last 3 months. Deborah was shocked. How can a common medical procedure when there were no findings be the basis for denying coverage?

That's when it dawned on Deborah, as it dawning on millions of Americans every day, that insurance companies work for their own profit. They unreasonably deny insurance in the individual market when they don't provide needed insurance profits. That's when Deborah became a convert and told us that's why the public option is a must.

This is a routine occurrence. Families across our country—California, Illinois, Minnesota, Texas—they want to do the right thing. She wanted to get COBRA, but for $1,800 a month, she said let's find an affordable option. Oh, your husband had a routine preventative procedure that he should have had—and it was a good thing he had from a medical perspective—came out clean but, oh, he had a surgery in the last 3 months.

This is what American families are being told, and this is where we in Congress have a historic opportunity to fix and make a health care system that's good for American families.

I yield back.

Mr. ELLISON. Before I yield to the gentlewoman from Illinois, I've got a story here.

A 50-year-old woman with Morton's neuroma. Surgery was scheduled, but she was laid off and lost her insurance. Now she can barely walk, and she can't get to surgery.

So I yield to the gentlelady again.

Ms. SCHAKOWSKY. At this point, I just want to thank Mr. ELLISON, the gentleman from Minnesota, for coming down to the floor and helping to educate our Members of Congress and whoever may be watching about the dilemma that we face right now and how Congress can fix it, that we can gather all of these stories that we've been telling tonight and then work out a plan that actually addresses them. And if we don't take this opportunity to lift the burden of fear, of distress, and sometimes even death from American families, then shame on us.

It is time to act. We have a plan that can fix this problem. And we have just a few more weeks. We've got to do it before the end of this year.

And I just want to thank the gentlemen from Minnesota and from Colorado for contributing to the solution to these problems.

I yield back.

Mr. ELLISON. I thank the gentlelady for yielding.

I just want to point out this. Because you know, let's just face it, we all want bipartisanship. I want it. My dad's a Republican, and I love my dad, and my brother is, too, and I love him; and we debate, you know, tax policy and all of this kind of stuff. And we have a good time over dinner time whenever I can be in Detroit.

But the point is when it comes down to the basic necessities of life like health care, why can't we all come together on this thing? Why can't we say that, you know what, in the richest country not only in the world but in the history of the world, that 49 million people shouldn't be left in the cold and we shouldn't have people who have employer-based health care facing doubling of premiums every 10 years. We shouldn't have people being dropped and rescinding everything else for preexisting conditions.

Let us have our values and form our behavior. We have a historic opportunity right here in front of us.

Because we are running out of time—the gentlelady from Texas has just joined us—we're going to give her an opportunity to share her experience on this tremendous fight that we're in right now.

I yield to the gentlelady from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I thank the gentleman from Minnesota for his kindness.

It is typical what Members say. We could not avoid coming here to this floor because of the enormity of the power of what you are presenting to the American public and our colleagues.

I am pleased to be with my colleague from Illinois and my colleague from Colorado. It indicates how widespread and how diverse the need for a public option, a vigorous public option, and health care reform actually is.

We're from many different areas. All of us have nuances to the needs for health care reform. Many of us have different hospital issues. But we have been working on this now for almost a year, and what I like about what I heard on the floor today is I heard Members saying that we now are at the hour of no return.

□ 2115

We're at Martin Luther King's, ''If not now, then when?''

As I listen to a number of colleagues speaking about the lack of health care reform or health insurance—there are many numbers—I hear 18,000 people die every year without health insurance and because they don't have health insurance, and those numbers are mounting. I hear as well that there are people with breast cancer who are trying to get insurance, but they have a preexisting disease, and that is called acne.

We heard of the tragic story, which happened about 7 years ago or about 5 or so years ago, of the leukemia victim, of the 8-year old, who literally had her parents take her to the insurance company's office in California and beg for the opportunity to have a bone marrow transplant, which they repeatedly denied over and over again. Tragically, that little girl lost her life.

So I just want to say to my colleagues that a vigorous public option is about lower premiums, saved dollars and saved lives, and I believe that now is the time.

To my dear friend, as you well know, you will be joining us in a very special hearing on Tuesday, October 27, in room 2141, when Members will open themselves up to hearing from those patients, or from those Americans, who will come to this Hill.

There will be no tickets. We will not bar you from coming to give witness to health crises that you've experienced alone and without help because you had no health insurance. A number of us will be hosting this hearing where we will listen to patients and doctors. We open it up, and we ask that you come to the Rayburn room—to the Judiciary Committee room—which is 2141, Rayburn, on Tuesday, October 27, with JACKSON-LEE, CONYERS, ELLISON, JOHNSON, BARBARA LEE, KUCINICH, CLARKE, WOOLSEY, and many others.

I'm going to yield to the gentleman by simply saying this: When you think of health care, let us not selfishly think of the people who, in essence, have their own. Maybe they have employer-based insurance. Just look beyond. Look at your working neighbor. I would imagine that two houses on your block or more are without health care insurance. That is what we will be addressing on Tuesday, and that is what we will be doing when we take this vote as we go into this period of time of no return to vote for a health care bill that helps those who have helped America—a vigorous public option and, as well, health care reform that addresses the question of America's needs.

I yield back to the gentleman, and I thank him for his kindness.

Mr. ELLISON. Let me thank the gentlewoman from Texas. It was great to get her in at the end of this Progressive hour.

I just want to say that I just got a message which says, I'm a health care worker who continues to see people come into the hospital who are sicker than they should be due to no insurance.

Ms. JACKSON-LEE of Texas. Wow.

Mr. ELLISON. With that, I think the gentleman from Colorado is probably going to have the last word, but I just want to say this has been the Progressive hour. We come here week after week to talk about progressive values that make America better and stronger, and we're going to continue to do that.

So I yield to the gentleman, and I think you'll probably take us out.

Mr. POLIS. I thank the gentleman from Minnesota, and I thank you for your ongoing leadership and for fighting for working families and for fighting to make America stronger.

You know, there are a lot of slogans that are tossed out. What's in this bill, if you look at it, is not the government takeover of health care. There are not government-employed doctors or government-run hospitals. There are no death panels. Who would support that? I wouldn't support that.

Would you, Ms. JACKSON-LEE?

Ms. JACKSON-LEE of Texas. Absolutely not. Absolutely not.

Mr. POLIS. No. Who the heck would support it?

So what we're talking about supporting is making health care more affordable for American families. That's what we're talking about doing here.

I yield back.

Ms. JACKSON-LEE of Texas. And protecting seniors.

Mr. ELLISON. We might have about 10 more seconds, but I just want to say this has been the Progressive hour. I am so honored to appear with you great Members, with you great servants of the people.

I believe we're going to get a public insurance health care option with major health care reform. The time is now. Let's not back down.

We yield back.

THE IMPACT OF HEALTH CARE REFORM ON SMALL BUSINESS IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Colorado (Mr. COFFMAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. COFFMAN of Colorado. Thank you, Mr. Speaker.

Tonight, I am joined by Congressman DOUG LAMBORN of Colorado and by Congressman GLENN THOMPSON of Pennsylvania.

What we want to talk about tonight is the impact that health care reform, or the Democrat proposal, is having on small businesses throughout this country. It wasn't that long ago that the President's chief economic adviser, Christina Romer, looked at the proposal, H.R. 3200, and said that this could cost up to 5.5 million jobs. So it is important that we talk about why this happens.

About $900 billion is the target for the cost of the proposal, of H.R. 3200, with half of it coming from Medicare and with half of it coming from increased taxes, surcharges and penalties.

So, with that, let me first refer to my colleague from Colorado, Congressman DOUG LAMBORN, to talk about the effects of these new taxes, surcharges and penalties on small business.

Mr. LAMBORN. Well, I thank the gentleman for yielding. Representative COFFMAN, I want to thank you for your leadership and for taking the time to speak on this important issue of the economic impact of H.R. 3200, the Democrats' health care proposal, here in the House. It's a little different from the one in the Senate, but there is an impact that it will have on small business.

I remember very fondly, Representative COFFMAN, when you and I served in the Colorado legislature together. It was before you were either the State treasurer or the Secretary of State in Colorado. I really knew at that time, as I think you knew with me, that we were proponents of small business and that we wanted to have lower taxes and a more favorable economic environment and climate for the State of Colorado so that young people would have jobs when they graduated from high school and college, so that we would have a strong economy and, I think, as a result of that, so that we would have a better quality of life.

Sure enough, with some other tax-saving kinds of measures the State voters passed, like TABOR, Colorado had the best business environment in the United States. Now it has slipped a little bit, but we're still, in the latest ranking I've seen, No. 4 in the country. That's an excellent thing. It's because of trying to hold the line on taxes. So I'm concerned that, when we talk about H.R. 3200, the Waxman bill for health care which my colleagues on the other side of the aisle are promoting, it is going to have a negative impact.

For instance, House Democrats pay for a portion of their health care in this bill by imposing a 2 percent surtax on individuals with more than $280,000 in income, or $350,000 for a couple. That's a lot of money. Keep in mind that many small businesses file as individuals. They use the subchapter S type of status for their tax returns. So this is actually the income that a small business can have when it's hit with a 2 percent surcharge.

Mr. COFFMAN of Colorado. Will the gentleman yield back just for a moment?

Mr. LAMBORN. Yes, Representative COFFMAN.

Mr. COFFMAN of Colorado. Congressman LAMBORN, let's talk about that whole thing.

It starts out at 2 percent. As we know, in looking at section 313 of the bill, when we talk about the gross annual payroll of $250,000 to $300,000, it's at 2 percent. Then it moves up to 4 percent when going to $350,000. Then with $400,000 of gross annual payroll and above, it goes to 8 percent. So it's at 4, 6 and 8 percent.

Many small businesses which cannot afford health care insurance are going to be hit with a penalty of 8 percent. Clearly, they're going to have to make a decision: Either they're going to have to reduce that payroll to be able to pay that tax or they're going to have to close their doors—one of the two.

I think what Washington doesn't understand is that these small businesses are hanging on by their fingernails right now trying to keep their doors open, and unlike the Congress of the United States, they can't simply print money when they don't have it. So this is putting them in an impossible position. I think, simply, that the liberals in this Congress just don't get it. They're just not understanding the stresses of small businesses in America today, small businesses which have been, historically, the greatest job creators in our economy.

I yield back.

Mr. LAMBORN. I thank the gentleman.

Yes, you're right. You're exactly right. There is that 2 to 8 percent surcharge on small business or on individual income, and there's the 8 percent penalty if you don't provide government-approved health care for all of your employees.

So, when you add that all together, like you said, Barack Obama's own economic adviser, Christina Romer, said that there would be about 5 million jobs lost as a result of those tax increases, and this is the worst possible time to have tax increases on small business. Small business is the backbone of our Nation's economy. I think the figure is 72 percent of new jobs created in this country are created through small business.

So, in the middle of a recession, is this the time to be raising taxes? I really don't think so. In Colorado alone, Representative COFFMAN, 16,500 small businesses will be required to pay this surtax.

I yield back.

Mr. COFFMAN of Colorado. At this time, I would like to recognize Congressman GLENN THOMPSON from the State of Pennsylvania.

Congressman THOMPSON, what do you think about this issue in terms of H.R. 3200, which is the Democratic bill before the Congress, and its impact on small business in the State of Pennsylvania?

Mr. THOMPSON of Pennsylvania. Well, it certainly will have.

First of all, I thank my good friends—both of my colleagues from Colorado—and I thank Mr. COFFMAN for hosting this very important session tonight because what we're talking about is truly the economic engine of this country, and that's small business. Small business is so important. It has been and always has been our economic engine. You know, small businesses employ half of the workforce, and they create 72 percent of all new jobs.

Old fables would refer to small businesses as the geese that laid the golden eggs, and last month, unfortunately, we lost 263,000 jobs in this country.

Now, we normally would encourage small business, with incentives, to help the economy and to grow those jobs and to maintain those good family-sustaining jobs—jobs that provide health care benefits in most of those positions. Well, unfortunately, instead, the Democrats are going to tax the few golden eggs that are left and will probably kill the goose.

According to data from the IRS, more than half of those targeted under the Democrats' health care surtax are small business owners. When you look at those businesses that are organized as S corporations or as limited liability corporations, they constitute over 60 percent of individuals who file their taxes as individuals who are making over $200,000. These are small businesses. Out of those moneys, they pay a payroll every week. Then there will be the $208 billion in new taxes on businesses that can't afford to pay now for their employees' health care.

I was in the little town of Emporium, which is in Cameron County. It's a great county. It's in the middle of my district. Unfortunately, unemployment there is significant. Cameron County unemployment is among the highest in the Commonwealth of Pennsylvania.

I was there. I was with a young lady who was an entrepreneur. She was somebody who had that American dream, that drive to strive for something better. She had created this small business, and she had a payroll she was maintaining. In fact, it was early in the first couple years of this small business where she was at the point she was willing to sacrifice, and she wasn't taking a salary because she was dedicated to seeing this business be successful and because she was faithful to her employees and to the jobs that she had created. She chooses not to take a salary, and she doesn't offer health care. She would like to, but she can't.

□ 2130

She knows that under the proposals, any kind of mandation, any taxes, any penalties that would be incurred wouldn't result in health care for the employees she has. She wouldn't be able to sustain that business.

Mr. COFFMAN of Colorado. I yield to my fellow Congressman from the State of Colorado, Mr. JARED POLIS.

Mr. POLIS. Sometimes there is common sense that we share across the aisle. I have said from the start, I think this surtax is a bad idea.

To explain it, there is a set tax structure for those of us who haven't—and I have run small businesses, created over several hundred jobs. There is C corps, S corps, and LLCs. When we are talking about increasing this rate, this is the rate that affects S corps and LLCs. Those tend to be the small to midsize businesses, the backbone of America, a lot of family businesses, a lot of stores. I talked to a brewery in my town, those are the types of businesses that we are talking about.

The big corporations pay a tax rate of 35 percent. That is the corporate income tax rate. Currently, the marginal rate for these S corps and LLCs is also that same 35 percent. Now it's scheduled to go up, that rate for S corps and LLCs anyway, because the Bush tax cuts are set to expire.

Now, I support that. I expect that you might oppose that, but that will raise it to 39.6 percent. It is that very same rate that this surcharge is scheduled to impact that would increase it at the margins an additional 5 percent. It would actually go up to 44.6 percent. In many States, that means that small businesses would be taxed at above 50 percent.

Now, I am hopeful that in the final version they will make some adjustments to that surtax. I sure hope they do. But I think it's an excellent point to bring up to show this disparity between what large businesses and corporations are paying, 35 percent, and what our family-owned businesses and small businesses are paying, which could, under the taxation mechanism, be a higher one.

Now, there are several ways to address that. We could, of course, reduce the cost of the bill, and I hope that that's a path that my party takes. There also are alternative payment mechanisms out there, some of which have been discussed in the Senate, some of which have more bipartisan support. I think it's critical, particularly in a recession, but at any time, that we make sure that however we pay for health care is not harmful to small business, which is the goose that laid the golden egg and the job engine that will lead us out of this recession.

Mr. COFFMAN of Colorado. In this proposal, that it is not—I think the Congressman well-stated it as to the issues on the income tax and that this is an additional burden, but this is on the payroll tax. This is a payroll tax. This is whether or not the business is profitable.

The business could be hit hard, could be stressed, losing money, trying to keep his doors open. If it cannot afford health care, then it will be hit with an 8 percent surcharge of its gross annual payroll.

We also have Congressman ROB BISHOP. I yield to Congressman BISHOP to address this issue.

Mr. BISHOP of Utah. I appreciate the gentlemen both from Pennsylvania and our good friends from Colorado, all over the place here from Colorado. If I am going to take you off on a stretch that you don't want to go into, I will stop and you can come back to me later.

I do want to try and hit this particular issue, because there are other options out there which we have not explored. There are those who are saying we have got to do something now, because if we don't do something now, we will lose the opportunity. It doesn't matter what it is, as long as we are doing something. That's not necessarily, I think, true.

If you look at the history and organization of this country, what the Founding Fathers wanted to do, and look at federalism, you will see why that is not necessarily true. The federalism system that we have is in line so that if something has to be uniform throughout this entire country, everyone has to be doing the exact same thing at the exact same moment. We are the only level that can do that.

But if you allow States to become involved in this particular system, these laboratories of democracy, you can have creativity, you can have justice because they are attuned to the demographics of each individual area. What's more important is, if you mess up, you don't destroy the entire country.

On this floor, we have heard of States that have tried to get involved in health care reform who have messed up. We aren't paying for that. There are States who are doing it the right way. I am proud that one of them is my State, because the President admitted and praised Utah in its efforts to do it, and it is going in the exact opposite direction of what we are talking about on the national level.

It is going to a system that is based on consumers getting individuals empowered to make choices in a system that comes up with, first of all, allowing three goals, of allowing real information so that you can allow consumers to prepare and choose and then provide an easy way of enrollment. It's not just about insurance, which I am afraid we end up talking about here in Washington. It's about the cost of health care. Because, let's face it, if we don't control the cost of health care, even with insurance, you still can't afford to do it.

Let me try to tell you exactly what they are doing right there, which is another avenue, which is essential to understanding as to what our opportunities are and what could happen if we go further with what is proposed with many of the leaders of this particular Congress.

Utah is establishing a health exchange, which means any licensed company in Utah can place their programs online. The entire amount of bureaucracy to run this is two State employees. So far, there are 66 individual plans that are out there. This is its first year, and the pilot program already has 136 small businesses with over 2,000 employees. They average 17 employees in each company going online to use this system. Now, that's important because you have already mentioned the cost that's implied by small business.

Only 43 percent of the small businesses in America provide insurance for their employees because they can't afford it any other way. Utah is even worse—only 32 percent. This is an effort to get around that problem.

What you allow is the workers to choose, not a one-size-fits-all that's chosen by the employer, but a program that fits the workers' needs. They can use that option with pretax dollars. The responsibility is with the consumer who gets an annual choice. With that, there is a pressure to keep prices down and to get quality up because everyone now is a consumer in the system.

Businesses in Utah like this because their overhead of mandatory insurance increases now cease, small businesses especially. The reason they are not giving insurance is they can't handle the insurance price increases. In this process, the worker gets money that the company would be paying and any money they want to use. Then they go into this plan, and from the 66 programs, they get to choose what is there.

Businesses now have a predictable cost of doing business, not arbitrary. Employees, if they don't like the one-size-fits-all, can have the opportunity of finding what they want to do.

It's easy to navigate. You go into a computer system, put age, family size. One thing we don't have today are agents of insurance companies who now work with the employer to try to sell a plan. Now they work with individuals to try and service plans because they have freedom to go after any employee in the entire State.

It's also portable. If you change jobs and the insurance is still in the system, you take your insurance coverage with you. Even if you don't have a job, you can keep that same insurance coverage with you.

There are fewer uninsured, and those that are uninsured, the State of Utah now has a plan to handle this.

This is like when I go to the grocery store and I want to pick cereal. I go down the aisle and there is all these different choices of cereal for me to pick. I always pick the one with almonds because I like almonds, but there are a whole lot of people that don't like almonds. They get the chance to pick their cereal.

It is not the situation in which the government should be telling me what kind of program is right for me. Not even should the business be telling me what kind of program is right for me. I should be able to pick my own program. If you do that, you expand the consumer into the system, which puts pressure to lower the actual cost of health care. That's the real solution.

Now, the problem is we have some plans being presented both in the Senate and in the House. Those plans crush these State initiatives. Those plans not only cost hundreds of billions of dollars, they decrease choices. They have the potential of raising taxes. They destroy State initiatives. Utah and other States have found a better way.

What we need to do is make sure we have a system that empowers States to be creative to help consumers become involved, and that's not what is being proposed on the floor of this House and in the Senate. What is being proposed would destroy this initiative. It would take it off the table. That's the exact wrong direction.

We need to look at what the Founding Fathers had when they envisioned the concept of federalism and recognize that in federalism, in choice and in options is our salvation. It is the future. We need to embrace that, not a one-size-fits-all government mandate which has enormous impact, as the gentleman has been saying, especially on the small businesses of this country.

Mr. COFFMAN of Colorado. Let me go to Congressman THOMPSON and then we will go to Congressman LAMBORN.

Mr. THOMPSON of Pennsylvania. Well, I thank my good friend from Utah. I feel like I am in the wild, wild west between Utah and Colorado. It is very good to be with you here.

This is a very important topic. It comes down to that very bold sign you have there, Mr. COFFMAN, 5.5 million jobs. That's what we are at the risk of doing, going down the direction we are going, which is not necessary. We have other alternatives. We have other bills, just like the idea that you outlined just a few minutes ago.

We have, as we look, you know, the National Federation of Independent Businesses, just one of the voices for small businesses, have been very clear about what it would like to see in health reform. It would like the ability to pool with other businesses to enjoy the economies of scale in purchasing health insurance. That's a fundamental part of what you just outlined. They want tax credits to be able to help them to be able to afford the insurance. I guess to come back to my opening analysis, but what we have here is an unhappy fable under the Democrats' health care plan in which no small business will live happily ever after.

I come out of a small business. I grew up in a small family sporting goods business. It was my job as a teenager to get up at 6 a.m. on Saturday morning to open the store that was down in the front yard in front of my parents' home where I grew up.

I have to tell you, 6 o'clock in the morning felt like the middle of the night then. I got up because of people coming in for either picking up their supplies for hunting or for fishing, and small business is what we did. I mean, we worked hard at it. My mom and dad had that.

They were looking for the American Dream, and they were willing to put whatever it took into it, the hours and the days. They created jobs and they created prosperity for other people, and they provided benefits for folks that worked for that family business.

I saw the toll that one of the biggest obstacles that ran up against being successful—and I am sad to say that the business does not exist today because those barriers eventually overtook it—it was government. It was government that did that business in, and it's government that's a barrier that impedes many, many of our small businesses. It was the taxes. It was the regulations. It was the mandates. Today we are talking about health care is one more mandate that is put on our small businesses.

Health care costs for small businesses across the country continue to outpace the rate of inflation. We know that we could do a better job of bringing the costs of health care down. But it's the path that we choose that is so important.

The path that the Democrats' plans are on will make matters worse. They will drive many small businesses out of existence, and we will lose jobs, many jobs. We have 5.5 million jobs at risk in this debate. But there are other paths that we can take, such as the ideas outlined by my good friend from Utah that we can take.

There is another bill that we have out there, Putting Patients First Act, H.R. 3400. That's a good plan. It's been introduced. We have been talking about it for some time.

I think the American people really need to know and get to know more about this, because it does so many different things. It allows being able to access across State lines for health insurance. It provides that competition, which is healthy, and which is important. It addresses tort reform.

When we talk about fraud, abuse, and waste of health care, I came out of working in health care for 28 years. We tried, as health care professionals, professionally and ethically, we worked very hard to make sure that we used every health care dollar wisely to treat the patients that are there, to help make them better where we can. One of the largest wastes, I feel, is the cost of medical liability.

□ 2145

Nationwide, we spend $26 billion annually in medical liability premiums, and in addition to that, the practice of defensive medicine. I understand defensive medicine. If you're practicing as a physician, when you come out of medical school, you may have $250,000 in loans as a part of that education. If you're a specialist, it may be a half a million dollars.

And because of a lawsuit, and frequently a frivolous lawsuit, you're at risk of losing not just your practice, but your family's home. And because of that, you may order these tests to be able to treat specifically this patient at this time, but these other tests are ordered and put in the medical record to be able to establish that you followed a standard of care. It's to protect you in the event that you are sued.

Well, that probably is, at a minimum, $100 billion a year annually in this country. So in terms of wasteful costs in health care that we could bring down, there is $126 billion annually just by good tort reform.

H.R. 3400 does that. H.R. 3400 provides some commonsense approaches to medical liability and brings down that cost for everybody, which would bring down the cost of health care for our small businesses and individuals all across the Nation.

Mr. COFFMAN of Colorado. Thank you, Congressman THOMPSON.

Congressman LAMBORN, when we look at this, H.R. 3200, it not only says that there could be up to an 8 percent surcharge on a small business that doesn't have health insurance, the schedule goes to 8 percent if they have adjusted gross wages of $400,000 or more, which isn't a lot for a small business, given the number of employees that it might have, but it also goes beyond that. And it says they have to pay 72.5 percent, at a minimum, of a federally qualified plan under the insurance exchange, and for the family, for a full-time employee, they have to cover about 65 percent. And so what impact is that going to have for your folks in the Fifth Congressional District in Colorado?

Mr. LAMBORN. I thank the gentleman for yielding. That's an excellent question.

Just on Monday, I had a town hall meeting with standing room only. It was packed with 600 people there to listen to and debate and discuss health care. And I'm hearing their—and at other times from small business owners, Representative COFFMAN—and I brought with me some statements that small business owners in my district, which is Colorado Springs and surrounding counties and communities in Colorado, are saying about this Democratic proposal on health care.

Here is from a man who is a registered Democrat, ''I do not believe the government can do a better job than the private market in providing health insurance.'' Another business owner said we need to put a halt to the rampant government spending. The estimated $1.6 trillion for new government health care on top of all the other crazy government spending will bankrupt the economy and will require a significant raise to our taxes. As the owner of a small business in Colorado Springs, I can't afford to subsidize all of these government programs.

Another business owner said, I am opposed to any health care reform that includes a public option, co-op or any other government involvement by whatever name you may choose. My business training and life experiences have taught me that competition is created in a free market environment and that government only serves to interfere with this process. I do not agree that a public option will introduce efficiency and lower cost. And he goes on to say we should be buying insurance across State lines. We should have tort reform. We should do some of the free market reforms that we can and should do, instead of H.R. 3200.

Mr. COFFMAN of Colorado. Congressman BISHOP, when we talk about the issue of competition, you have mentioned some innovative things that Utah is doing. But it is amazing to me that right now, by law, we don't allow small businesses to band together for the purchase of health insurance to get the same kind of discounts that large corporations have. We have a law in the Federal books that provides an antitrust exemption for the insurance industry, and small businesses and individuals in particular are limited and can't purchase health insurance across State lines to get the most price-competitive policy, the best quality that they can afford.

What, in your view, is needed to fix this system? Because one of the reasons why we are talking about the public option is because the Democrats are saying there's not competition, there's not adequate competition, and so we have to introduce government into this equation. Is there a free market solution to this?

Mr. BISHOP of Utah. I think you have gone to what I think is the crux of the two paths that are offered to the American people in this session. The one path is about a government option. But the only part about options is the title itself. It actually would be a government program that would then be given the power, by a small group of people, to establish what its competition would be. So what you're doing is having the heavy hand of government establishing what the options will be and giving them to all people whether they want them or not. That is indeed the very problem that small businesses are facing. There are options right now that do not take their needs into account.

What I think we are hearing, and what the gentleman from Pennsylvania talked about in House bill 3400, what Congressman SHADEGG has in his bill and what Congressman RYAN has in his bill is the idea that if you really want to solve this problem, you've got to attack what causes the price of health care to go up, and that is the lack of competition. Having a government option superimposed does not necessarily equate to more competition. In fact, it will lessen that competition; and that's what we are hearing from those who really understand the industry.

Even Margaret Thatcher in 1989 recognized that the health care system of Britain, which is, once again, a one-size-fits-all government mandate, even though there is a private option, does not necessarily help her people. She said it simply meant that once you put the heavy hand of the British Government on them, that it produced fewer

doctors, fewer nurses and that patients, when they wanted to see a doctor, in some cases had to wait a few weeks, in other cases wait a few years, depending on the area in which they were.

Now, what we really need to do is look at other options that are out there that transform the debate so that what we're talking about is empowering individuals to make choices that meet their particular needs. That's what the State of Utah is doing. That's what the Price bill is doing. That's what the Shadegg bill is doing.

And the sad part about our debate is we are not allowed to discuss those on the floor in any form other than in a Special Order in the evening. Look, we weren't here in session on Monday. We only did a few suspensions on Tuesday. We adjourned very early on Wednesday. It was a wonderful day. I was happy to go outside. But we adjourned early.

Those are times in which the Price bill and the Shadegg bill should be brought to the floor and allowed to be debated, discussed and voted on to see if indeed these other kinds of options that we have, these other kind of programs that inspire and empower individuals to make choices for themselves have some merit. That's what we should be doing here. Instead, the entire debate has been moved off the floor, out of committees, behind closed doors. That does not help.

Indeed, you have hit the objective. If we choose the wrong choice and have one Federal program that's going to be superimposed on everyone, we have the chance of doing great harm to our small business, which is the backbone of the American economy with 5 to 6 million people losing their jobs. That's what the danger is. We should have an open and honest debate about these other options which try to look uniquely outside the box, creatively. That's what Congress should be doing. And we're not doing any of that.

I yield back to the gentleman.

Mr. COFFMAN of Colorado. Thank you, Congressman BISHOP.

Congressman THOMPSON, when we talk about the safety net that exists today, and you came from the health care industry, the first bill that the President signed was the SCHIP bill that went four times above the poverty level to provide a public insurance program for children, so that's $88,000 for a family of four, and States can do income disregards and raise the amount up more; we have Medicaid for the poor and disabled; we've got Medicare for elderly.

In my State, we have 183 community health clinics that, if you look at their Web site for the 2008 annual report, shows that they had about 400,000 patients in 2008, not patient visits, but patients that received preventive care, primary care, dental care and mental health services. This is in a State of 5 million that is publicly funded. Some of it folks can pay as they have the ability to. It's for the uninsured and the underinsured.

We have a high-risk insurance pool in the State of Colorado for everyone who buys an insurance product, pays a premium tax, and part of that goes into a pool for anybody, regardless of their income, that can't qualify for a public program; and irrespective of their preexisting condition, they receive health insurance that is capped at 140 percent of the average premium price in the State of Colorado.

Can you address to us your view as a former health care professional about the safety net that exists in America?

Mr. THOMPSON of Pennsylvania. Absolutely, and I really appreciate that question. It's been one of the biggest disappointments. I came to this body out of health. I thought I would actually retire from nonprofit community health care, which meant my hospital would have provided me a discount on my nursing home bed. But instead, I have the privilege of coming here to work on behalf of the citizens of Pennsylvania's Fifth District.

And I came here knowing that we've got a pretty good health care system. And we can do better, and we can improve it, and improve on all four principles: access, affordability, quality and patient choice.

So I was excited when the President said we were going to work on health care. And I get here, and do you know what we're working on? We're working on access to health insurance; we're not working on access to quality health care. That's what we should be working on. That's what the American people deserve: we work on things like we've been talking about, H.R. 3400 and the different bills that are presented here that would improve health care in all four dimensions. But instead, we're talking about health care insurance. And I guess I should have had some indication of that when I looked at the individual that was selected.

Mr. COFFMAN of Colorado. Would the gentleman yield for a question?

Mr. THOMPSON of Pennsylvania. Absolutely.

Mr. COFFMAN of Colorado. Representative THOMPSON, the bill, H.R. 3200, strips hundreds of billions of dollars out of the Medicare system, and it effectively shuts down the Medicare Advantage program. The trustees of Medicare have already said that in 2017, not by 2017, but in 2017, Medicare is expected to go broke. So there's solvency issues in Medicare. And yet we're stripping hundreds of billions of dollars out of the Medicare system.

Can you speak to that and its impact on the elderly?

Mr. THOMPSON of Pennsylvania. Sure. Medicare actually is the central component of this debate for many different ways. And let me start with the question that you raised. The Democrats' health care bill, the accounting of it, cuts essentially $128 billion from Medicare part A. Medicare part A pays for end-patient services. That pays for hospital services. It pays for up to 100 days if an individual, an older adult, is qualified in a skilled nursing facility, $128 billion.

I have to tell you that most hospitals I know, and I have probably about 20 hospitals in my congressional district, I would say that my hospitals are like most, many in America, either in rural settings, certainly underserved urban areas. They are lucky to be making a margin of 3 to 4 percent annually. And to cut $128 billion from part A will certainly impact—I think what it will do actually, it could very easily move towards bankrupting many of these facilities. Certainly Medicare part B, which is the Medicare coverage that individuals choose to purchase. It helps to pay for physician services. It helps to pay for therapy services, if you're an outpatient. And that's scheduled for $130 billion in cuts for Medicare in order to fund this Democratic health care plan.

The Advantage plan you talked about is Medicare part C. Medicare Advantage is managed care Medicare, and it's essentially a plan where individuals choose to enroll. It gives them a little more flexibility. It provides them a little more coverage. It's a choice that they make. And the Medicare Advantage plan has really been targeted by my Democratic colleagues. And that's scheduled for, within this, $133 billion in cuts.

Finally, the pharmaceutical program, one of the newest parts of Medicare, Medicare part D, that's the drug benefit that President Bush put in place here a few years ago. Under the Democrat's proposed health care plan, Medicare part D, the pharmaceuticals, the drugs, is scheduled for a cut of $20 billion, totaling $411 billion in Medicare cuts. Now, that impacts people. It impacts individual lives. It impacts jobs.

In my district, in a very rural district with rural counties, my hospitals are actually important economic engines. It's a place with some really good jobs. They're economic engines. They buy a lot of resources to operate the hospital. They try to buy them locally to support the local economy. And when you start to make these types of Medicare cuts on facilities, health care facilities that are at best in a banner year making a 4 percent margin, we're talking about closing those. We're talking about losing jobs. And that's not good for anyone.

You never want to see a hospital close. But in a city, you can make, I guess, an argument that if you close one hospital, somewhere in the city, probably within blocks, you'll find another one. In rural America, rural Pennsylvania, if you close a hospital and what you wind up with is a commute, that makes a difference between life and death.

Mr. COFFMAN of Colorado. Would the gentleman yield for a question? Congressman THOMPSON, we talked about cost shifting, and I know clearly there's cost shifting for uncompensated care, but there's also cost shifting for

Medicare and Medicaid. The underfunding of those government programs have done much more in terms of cost shifting on to the private insurance market and have had a big factor in escalating premiums.

□ 2200

But when we talk about how government sets rates, it doesn't set rates really to the market, as a private company would have to do. It can set rates at an artificially low level because it doesn't have to respond to the market.

I wonder if you could address that, and why the public option would destroy private insurance?

Mr. THOMPSON of Pennsylvania. Absolutely. I see three reasons, three primary reasons why commercial health insurance is so expensive. One is we need more competition, and that is allowing a broader pool. I am really interested in learning more about the model in Utah. It is intriguing. It sounds like a great model to look at. But more competition is important.

Secondly, it is the need for tort reform. I talked about those numbers, $126 billion a year. It drives costs up. It drives the cost of providing care up. Therefore, commercial insurance goes up.

Finally, there is the necessary cost-shifting that occurs. Now, some of my colleagues in this body, particularly across the aisle, when you hear the term ''cost shifting,'' they see that as an evil thing. When you come out of health care, you begin to understand what happens in health care.

I would say the primary reason that health insurance is so expensive is because government creates an entitlement, Medicare, medical assistance, and then from day one, after they created it, discovers they can't afford it and they systematically underfund it.

Let me talk about the numbers specifically. Medicare: For every dollar of cost that a hospital or a physician has, Medicare pays 80 to 90 cents, 80 to 90 percent. If it is medical assistance, that is 40 to 60 cents for every dollar of cost. If you are just operating on Medicare or medical assistance, a hospital and doctor, you could see, they have these costs and this reimbursement, they are not going to keep their doors open very long because they can't cover their costs.

So what they do is negotiate with commercial insurance, and commercial insurance average, average across the Nation, pays at least 140 percent; 140 percent of cost. Now, why do they do that? Well, they do that because in the negotiation process, doctors and hospitals need to achieve that 140 percent from commercial insurance to offset what medical assistance and Medicare, what the government doesn't pay.

So that is where the cost shifting occurs, because if you don't get that higher rate for commercial insurance, you are not going to be able to make payroll. You are not going to be able to invest in lifesaving technology. You are not going to be able to keep the lights on in the facility.

So, the fact is the government creates these new programs, with the best intentions, I am sure, but quickly finds that the costs are just so tremendous that they begin to systematically underfund those costs.

One of the biggest concerns I have with the public option, as I read H.R. 3200 in the Education and Labor Committee when we marked that bill up, is that the public option would pay Medicare rates. Medicare rates are 80 to 90 percent of costs, 80 to 90 cents for every dollar of cost.

I do believe that the public option will be cheaper than commercial insurance because the public option will also underfund the cost of health care. And if the public option replaces the commercial insurance of today, that really today funds and keeps the lights on and our hospitals operating and our doctors in practice, we are going to lose health care providers.

Mr. COFFMAN of Colorado. Congressman BISHOP, you have talked about some of the health care reform measures before the Congress, some of the Republican measures. I think you referenced one by Congressman SHADEGG, and you referenced another one, let's see, Congressman SHADEGG and Congressman PRICE. I think you referenced two Republican health care proposals.

I think that everybody in the Congress agrees that reform is necessary, that the system isn't working as it should, that people are paying too much for health care, that we need to do more for the uninsured. It is a question of how we get there, and do we do a government takeover of the system by inserting a government-controlled health care plan, or are there market-based solutions.

I wonder if you could give your view on how you see reform.

Mr. BISHOP of Utah. I appreciate that, and I think the conversation you have had so far with Congressman THOMPSON is fascinating, because he has explained some of the problem you have when the government steps in to run the system.

If we look back at the history of the Medicaid portion, it does not give us a whole lot of confidence for moving forward and allowing the government to take a larger role in this area. Since Medicaid was founded in 1965, costs have escalated at 2.3 percent higher than the rate of inflation. Today, Medicare costs 37 times what it cost back then after being adjusted for inflation.

So when Congress first established Medicare, they thought it would cost $238 million a year. That first year it was closer to $17 billion. They projected by 1990 it would cost $12 billion. The actual number was more like $90 billion. And if as the gentleman suggests the government therefore has taken over those particular options and you no longer have this cost-shifting that you can go to the private sector, the only other option you have in the health care system to try and deal with those real costs—well, you can go bankrupt—but the only other option you have is cutting services that are given, which is why this debate is so significant and why these other bills we are talking about are so important that they be debated here on the floor.

So people can realize that rather than having the government explain what you can and cannot do, if you simply open up the option so individuals have a choice and become part of the system, there is a responsibility of the consumer as part of the system, then these changes can happen.

In every other kind of insurance, you can buy insurance across State lines, for auto, for housing. Why not for medicine? A simple change in the Federal restrictions would allow that to take place. You can pool for almost everything, except in this area. Why not change those restrictions, which is what we are talking about.

Why not allow people to buy their own insurance with pre-tax dollars, not post-tax dollars? Why not simply allow a benefit to the small businesses the way big businesses have for HSAs? These are portable, so when a person leaves the employ of that company they still have a pot of money, and they still have some kind of security with them to go on.

These are the kind of ideas that are going to change the dynamic of the system, because, as has clearly been stated is, all we are talking about so far with leadership's plans they have been presenting is how to assure that everyone has insurance, not how to make health care affordable for all Americans, and the only way you can do that is by allowing the consumers to take responsibility, to have choices, to do the comparison shopping.

That is the entire program in Utah. It is a defined contribution approach. So the employer gives money to the employee, and that employee can then go online and look at everything out there and pick what is important for them, not necessarily what the company is offering. A small business that can't afford to do that can now give the employee money, they can add with their money if they want to, to go out and pick what is available from what are the options out there. And we can even expand that wider. That is the only way you get competition that will have the effect of adding pressure on the system to lower the price and to increase the quality.

We do that all the time. It is cheaper today to get your nose fixed than ever before because it is not covered by insurance. Individuals negotiate with doctors for medical services and the costs have come down. Laser eye surgery is cheaper today than ever before because employees negotiate with doctors and the prices are coming down.

Why don't we allow that system to work in other ways? That is what these other programs are talking about, allowing people to be empowered to

make choices for themselves that they are competent and capable of doing, and with those kind of market forces now in the system, the cost will come down.

But it has never happened when the government has decided to step in and force those costs to come down. It didn't work with Medicare. It hasn't worked in foreign countries. And the real fear is if you are not destroying jobs, you are destroying the quality of health care, because the only other option you are left with is minimizing what can be given to an individual, denying services. That is not where we want to go.

Unfortunately, if we only have this one bill that the leadership wants to put forward here, that is the end result of that bill. We need to beg leadership to allow other debates and other options to be fully vetted on this particular floor.

I may have gone too far off from what your initial question was, but that is still the bottom line. It is we should be empowering people with options and choices. That is not what the leadership of this House is trying to do with their particular bill, and that is why we need to bring these other bills to the floor for open discussion and open debate and an open vote.

I yield back to the gentleman from Colorado.

Mr. COFFMAN of Colorado. Thank you.

Congressman THOMPSON, there is a great deal of discussion, particularly among seniors, that are very concerned about changes in their health care—is their health care specifically going to be rationed? When we look at the fact we are stripping hundreds of billions of dollars out of Medicare to fund the public option, and the fact that Medicare has solvency problems of its own, it is projected to run out of money in 2017, so then we have a commission. If they revert to the public option, the services that are allowed to be provided in the public option are going to be defined by bureaucrats. It is not going to be about a doctor-patient relationship in terms of what is going to be provided. There is a commission, I believe, that is established to decide what services will be provided in the public option.

□ 2210

And seniors are concerned because 25 percent or more of health care is used in the latest stages of life. And so what does that mean for them? And maybe you could address that.

Mr. THOMPSON of Pennsylvania. Well, thank you. And actually, the commission is a body of individuals. But even more frightening to me is just the one lone bureaucrat, the Health Insurance Commissioner, as defined within House Resolution 3200.

And as we worked our way through this thousand-plus bill in the Education and Labor Committee over a course of 20 hours back in the very end of July, I found that many times there was so much left undefined, and everything was referred to according to the Health Insurance Commissioner, the Health Insurance Commissioner, the Health Insurance Commissioner.

Well, you know, our health care is, there's probably few things that we could debate on this floor that's more intimate than our health care, and certainly few things that are as large a part of our economy. And our colleagues who were here just the previous hour from the Progressive Caucus talked about how those of us who oppose, those of us who oppose their health care plan, those of us who would support more smart government solutions, more free-market solutions to health care, that we have these scare tactics, and one of them is rationing. Rationing could never occur. Rationing just won't happen. Well, I've got news for them. Rationing happens today. And where does it happen? It happens, first and foremost, under the government plans.

Let me tell you about Medicare part B. You know, part of my background is I've had the privilege of working with older adults for my entire career, in rehabilitation services. The last number of many years of my career, 15 years I worked in skilled nursing as well, and I became licensed as a nursing home administrator. And I've talked briefly about the cuts to Medicare part B.

Medicare part B is slated for additional cuts of $130 billion. And Medicare part B—think about the individuals who come into a nursing home. They come there because they're the sickest of the sick. They're there because they don't have any other alternatives in terms of the care, the health care that they require. They have intense needs. These are folks who have just a lot of very intense needs. And today, the government, under Medicare part B, if you need therapy services, it arbitrarily puts a number. There's a maximum amount of dollars.

And now I've been out of that for about 10 months, but it was somewhere around $1,800 a year, $1,800 to $1,900 a year of therapy services. Arbitrary number. Now, that's rationing, in my line. You know, it doesn't matter the fact that you have maybe suffered a stroke or you have fallen or you have a debilitating weakness that you develop. Once you max out on that Medicare part B benefit, that's it. That's the upper limit of what you receive. So we have rationing today, and rationing occurs under the current, one of the current government programs for Medicare part B.

So I don't know where you—when you look at—you know, I've worked in the inpatient hospital side for almost 30 years as a part of my practice. As I said, a 2 to 4 percent margin is a banner year, okay? And out of that, you want to be able to, out of that 4 percent, give cost of living adjustments so you continue to retain the best and the brightest.

Personally, if somebody's going to use a scalpel on me, I want them to be the smartest person in the county, and we want to be able to retain, recruit, and retain those individuals. So 4 percent margin. Most of my hospitals, I would say, are probably not doing that well, and most hospitals across the Nation are probably challenged and not doing that well. And then you have skilled nursing facilities where, honestly, nobody's getting rich operating skilled nursing facilities. They're providing good, compassionate care. They're treating people with intense needs, and yet, those are slated for significant cuts.

Specifically, in skilled nursing, $14.6 billion in designated cuts. Now, this is out of the Senate Finance bill, the Baucus bill, Senator BAUCUS' bill, and so those cuts have to come somewhere, and they're going to come out of services. They're going to come out of—it won't come out of the compassion, because the people that work in those areas, they're truly dedicated to serving the needs of older adults and people with needs. But they will come out of the care. Those dollars have to impact access to services.

Mr. COFFMAN of Colorado. Thank you, Congressman THOMPSON, and thank you Congressman BISHOP. And we had Congressman LAMBORN from Colorado, DOUG LAMBORN earlier, and Congressman POLIS as well talked about these issues. I certainly hope that we can have a bipartisan solution on what I think is a very critical issue, and that really needs to involve both parties of Congress in a negotiation that we don't have right now. And I think that's a great tragedy that it hasn't been a bipartisan process. But I believe that there are market-based solutions that will not endanger this economy in terms of creating unemployment through the burdens on small business and driving the deficit and driving the debt of this country beyond what it is today. And from the Republican point of view, thank you.

FISCAL IRRESPONSIBILITY AND LIMITED GOVERNMENT

The SPEAKER pro tempore (Ms. PINGREE of Maine). Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, today, during a rule debate, I voiced my concern over the breakneck increase in government spending in the U.S. I warned my fellow Americans that this reckless spending risked turning our country into a South American-style nation with a perpetually frail economy and government. One of my colleagues on the other side of the aisle retorted by highlighting the successes of nations such as Brazil or Argentina. That's very interesting.

Shortly after our exchange, I read that Argentina recently enacted a press restriction law that serves to

muzzle media critics of the party of President Cristina Kirchner. It seems that the media was getting too aggressive in exposing and critiquing the ruling party's corruption. Sounds like a really great model for free speech and expression; right?

I hope that the newly elected Congress of Argentina scraps this law, and that we, as Americans, realize the gift that our form of government is and work together to preserve it. And, contrary to the advice of my colleague, hopefully the United States does not use this country's success as a model for reform.

HEALTH CARE IN COLORADO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Colorado (Mr. POLIS) is recognized for half the remaining time until midnight.

Mr. POLIS. If the gentlelady from North Carolina would care to enter a brief dialogue on the issue, I recall the comments earlier, and there was a reference to, the gentlelady made a reference to a fear that America would look like the developing world, especially South America.

Ms. FOXX. I said some countries in South America.

Mr. POLIS. Some countries. Yeah, there's a dozen or so odd countries in South America.

Was that based on the solar energy bill or was this a more general comment? If we passed the solar energy bill we would look like South America or a different bill?

Ms. FOXX. No. I was talking about my concern for the spending that's going on here. And what I said was last week we heard from John Allison, who is the chairman of the board of Branch Banking and Trust Company, BB&T bank in North Carolina, one of the most successful banks in the country. And last week, Mr. Allison was here and was speaking to a group of us, and he cautioned us about the economic situation that we have. And he said, if we don't rein in spending almost immediately, he believes that we have fewer than 25 years left before we become a Third World country like countries in South America.

□ 2220

Ms. FOXX. I was basically quoting him, although not quoting him verbatim.

Mr. POLIS. The topic, of course, at the time was the solar energy research bill. That was a bill that authorized some money, of course didn't actually spend any money. That would have to come through the appropriations process. But I take it the remarks that were made with regard to government expenditures were generally, not specifically, a solar energy bill.

The point that I made in response, certainly I stand by, is that America, which has experienced economic shrinkage as has much of the rest of the world, has actually suffered more in this most recent recession than Brazil and Argentina, which have done very well in this fiscal year in 2009. Both have experienced economic growth, both having their currencies gain value against the dollar.

So I am not sure that—Mr. Allison's observations certainly weren't relating to the conditions of freedom of press or the various social ills that plague South American countries. I don't think it was a reference to the type of freedoms that we, as Americans, enjoy. We enjoy freedoms as Americans—and I am sure you would agree—independent of our economic condition whether we're in a recession or whether we're in a growth.

No matter how we're doing economically, we in America enjoy many freedoms that they don't enjoy in other countries. We have a vibrant democracy, we have freedom of the press, the right to assembly. And I don't believe that you or Mr. Allison, who I am not familiar with, or myself would feel those to be in jeopardy like South America.

Is that correct? We're talking about the economic condition?

Ms. FOXX. I was absolutely talking about the economic condition, and it was our exchange today.

I am glad to have a chance to have this colloquy with you. We do agree that we are the freest country in the world, and I hope you agree with me that we're the greatest country in the world as a result of that freedom. And I don't want anything to threaten any of our freedoms.

And I know you join me in that.

Mr. POLIS. I appreciate those comments, and I think those sentiments are shared by every Member of this body. That's why it's an honor and a privilege for me and you to serve the people of this country. And I certainly enjoy working with you on the Rules Committee in that capacity and look forward to continue working with you in service of the people of this country.

Ms. FOXX. I certainly feel the same way.

Thank you, Mr. POLIS.

Mr. POLIS. Thank you.

I rise today, Madam Speaker, to share with you and my colleagues here in the House, stories of real Americans and how health care reform affects us, affects them, for it affects every walk of American life. And many of my constituents have shared their stories with me and asked that I share their stories with my colleagues and with the American public. And perhaps my colleagues and the public might see in the stories something of themselves.

I want to share a story, not a happy one, but a story that one of my constituents named Kelly Lotts Andrews shared with me.

Kelly's father worked hard all of his life. He succeeded to a certain extent. He lived the American Dream, was very successful in the broadcasting field. And Kelly says at one point her parents' combined worth was just over $1 million. They had a successful career. They saved up. They had a house they made payments on. They built equity. They lived the American Dream. They were anticipating a comfortable retirement.

In their early sixties, as they were putting their affairs in order and preparing for what they thought would be a prosperous and long retirement, they decided to change health insurance companies. During the qualifications testing for the new insurance, Kelly's mother's liver enzymes were slightly off. So a couple of weeks later they asked her to redo the blood tests.

Kelly's parents were moving to a condo on the beach. So when they got settled, they found a doctor and got the required test done. Unfortunately, the doctor found a tumor on one of Kelly's mom's ovaries. The new insurance company then refused her coverage based on this preexisting condition, the scarlet letter of health care, even though she continued her coverage just before the diagnosis.

So without the insurance and without the hopes or ability of acquiring any, Kelly had to watch as her parents got rid of all of their assets, all of their savings, and all of their retirement funds—all became liquidated as her mother fought to stay alive and pay those hospital bills as uninsured Americans.

Kelly's mother lost the fight. After beating the odds by 5 months more than the doctors predicted, she passed away in 2004. Kelly's father, who is now 76, now, despite his successful career and doing the right thing and saving up, has no retirement funds, no savings, no house, and only his Social Security check as income.

There are millions of Americans who are denied coverage based on preexisting conditions.

One of the key things that we accomplish through health care reform is we prevent health insurance companies from discriminating or excluding based on preexisting conditions so at the very time in Kelly's mother's life where she needed health care the most, she would have had access to an affordable option through the exchange that's being created that would give families like Kelly's the financial security they need to plan for their retirement in a way where people can maintain their honor and their pride as families.

And it's for families like Kelly's that I ask my colleagues to join me in supporting health care reform.

Madam Speaker, I rise today to share a story with you that one of my constituents shared with me and asked that I tell my colleagues about to encourage them to support health care reform.

This is a woman from Broomfield, Colorado, who asked that her name not be used but wanted her story shared; but it just as easily could have been a woman from California, or Texas, Nevada, New York.

This woman is a retired educator. About 10 years ago she was diagnosed with rheumatoid arthritis. She knew what that diagnosis meant because her mother had lived with that crippling disease for 40 years. Soon after the diagnosis, she began to experience debilitating pain and had difficulty carrying out the most routine functions that you and I take for granted. Any physical exertion at all was very difficult.

She researched the disease on her own, with her sons, with her doctors. They found there were new medications on the market which showed promise, medications like Enbrel and Humira. She asked her rheumatologist about them. He said those medications might well work, but they were very expensive and not covered—not covered—by insurance.

This resident of Broomfield, Colorado, waited and suffered for years. Finally, her insurance did cover Enbrel and other drugs like it, and she was able to take this new medication. And she reports that the effect was nothing short of miraculous. She now has few symptoms and is able to resume a normal life.

The medication costs about $3,000 a month, about $36,000 a year. There's no way that she could pay for that on an educator's salary, and that's why she's thankful that she has insurance even though the costs are a major sacrifice financially. And she worries about those in her condition who have a chronic disease who don't have health care insurance, the years of pain and agony that she had to go through before the treatment was covered.

She tells us we need health care reform. We need preventative care for those with serious disease. She says in the long run, it will save a lot of money and be less strain on our economy to provide preventative care. She wants us to pass national health care to cover all who need it and get good medical care.

It's for American families like this, and like this story of a Broomfield resident that could have been in Anywhere, U.S.A., that I call upon my colleagues in the United States Congress to join me in passing health care reform.

Thank you, Madam Speaker.

Madam Speaker, I rise today to share with you the story of a constituent of mine from Superior, Colorado. Now, Carla might as well be from Texas or California or Nevada, Anywhere, U.S.A. Carla works in the health care field. She's a registered nurse at Boulder Community Hospital. She sees a lot of cases. Many of the patients that Carla sees are in the ICU where she works because they can't afford health insurance and, as a result, don't have access to preventative care.

□ 2230

Carla told me that the catastrophic conditions that bring them to her hospital could either be prevented or treated successfully and less expensively in earlier stages, but because they don't have insurance, they wait until the ambulances have to be called.

Kelly shared with me that these unfortunate people have so much suffering and pain visited upon them that, in most cases, could be prevented.

Kelly, like a lot of Americans, has a very commonsense conclusion that I want to share with you on the floor of the House of Representatives. Kelly says many more dollars are spent treating these people, and often, it's too late anyway.

Preventative care, Madam Speaker, can save money and, if not more importantly, can save lives. By diagnosing cancer early, by treating diabetes, we can save money, save lives, and we can strengthen American families.

I call upon my colleagues in the House to join me in supporting affordability credits so working families can afford health care; in preventing pricing discrimination based on preexisting conditions; in creating exchanges and low-cost options so individuals and small companies can buy insurance and get the same negotiating leverage that multinational corporations get; and allow them access to inexpensive insurance, including a public option.

Carla has seen a lot as a registered nurse, and we have all seen a lot through the stories of our friends and families across this country, and that's why it's time to pass health care reform.

Thank you, Madam Speaker.

Madam Speaker, a number of my constituents from Colorado have asked me to share their stories about why we need health care reform. This story could be from someone anywhere. It could be from someone in Texas or in California or in New York. It happens to be someone from Westminster, Colorado. He asked that his name not be used, but he wanted me to share his story.

His story relates to the diabetes that he suffers from. His insurance insists that he use a generic brand of controlled medicines for his condition, but he participated in a study which found he could reduce his high triglycerides by 75 percent if he used the primary drug for treatment. As a matter of fact, his readings improved so much in the study that he was removed as a candidate. He was advised by his doctor of the reading and of the improvement, and the doctor decided that he had to go back on the generic drug, and had to wait to see if his reading went back to the previous condition.

This gentleman from Westminster feels that takes away his choice, just like the choice is taken away from tens of millions of American families, not only the families who don't have insurance but even the families who do have insurance but who have no real choice in which insurance provider they use.

Even after this gentleman from Westminster, Colorado, stated that the cost from generic to primary was affordable and that he, personally, was willing to pay the small difference between the two, the insurance company still made the decision on what drug he could use and whether it was working.

One of the many flaws in our health care system today is that consumers lack choices. Most Americans get their health care through an employer. Whatever the employer chooses, they get. If you're self-employed—an individual—in many markets, the insurance industry is dominated 50 percent, 70 percent or, in some markets, 80 percent by one or two insurance providers.

One of the critical aspects of health care reform that this body is undertaking is increasing insurance competition in the marketplace. Through the exchanges that are being created, we are creating a hypercompetitive environment where there can be dozens of insurance companies which are providing products and a public option because, surely, it's not fair to say to people, As a mandate, you have to have insurance, and by the way, here are some affordability credits to get it, and then throw them into bed with the sharks and say, You have to get it from the insurance companies.

It's great to have a public option there to help keep the insurance companies honest. By doing so, we give people like this gentleman from Westminster a real choice. If one insurer won't allow him to pay out-of-pocket the difference between the drug in the trial he was on, a drug which could prolong his life and save his health, you know what? He can switch.

As for small companies that insure through the exchange, each of the employees of those companies will be able to choose for themselves from any of the policies in the exchange. Yes, that's right.

Today, small businesses choose insurers, and if they're able to afford it, because Lord knows it costs small businesses a lot of money, every employee of that small business has that plan. Under the proposed Democratic plan, each employee of that small business would be able to pick from any of the insurance options within the exchange, giving this gentleman from Westminster, Colorado, and tens of millions of Americans across our country choices in health care insurance that they simply don't have today.

Thank you, Madam Speaker.

Madam Speaker, I rise today to share with you a story of a resident of Boulder, Colorado, who asked that I share her story on the floor of the House of Representatives. Barbara lives in Boulder, Colorado, but she might as well live in Fresno, California, in Houston, Texas, or in Las Vegas, Nevada.

When Barbara was diagnosed with breast cancer, her private insurance plan said it wouldn't cover treatment because it maintained that the cancer was caused by fibrocystic breasts, which it claimed was a preexisting condition. Now, Barbara didn't believe that for a moment, and her doctor backed her up. Her doctor wrote a letter to the insurance company, saying,

No, this was breast cancer, and it wasn't because of some preexisting condition. Barbara had to call the Colorado State Division of Insurance, and they called Golden Rule, which was the insurer.

All of a sudden, Golden Rule yielded a little bit, and said, Well, we'll cover the surgery on the affected breast but not a bilateral mastectomy.

Well, it took more calls and more fighting. She got some support from the State Division of Insurance. Finally, they found that the health insurance company agreed to pay for the bilateral mastectomy and breast reconstruction.

Barbara is now covered by Medicare plus a private insurance supplement, and Barbara says it's the best insurance she has ever had, and it's at way less a price than she has ever had to pay. She can go to any doctor she wants to get the treatment that she needs.

Barbara asked, Why wouldn't the under-65 group be delighted with the ability to have the same kind of insurance coverage?

When you hear about a public option, what you are hearing about is the ability to buy into Medicare early. Now, it's not exactly Medicare, but it's a Medicare-like program. Under the version of the public option, under the robust public option which I support, it will look very much like the Medicare system. It's pegged to Medicare. So this will enable people who are self-employed or who work for small businesses and who participate in the exchange to say, You know what? I'm 62. I'm 59. I'm going to buy into Medicare early. My premiums will go to Medicare. I'll have a provider network of Medicare.

Many people on Medicare are happy with Medicare. Now, again, be it public or private, no one is always happy with one's insurer. I had 22 town hall meetings during the recent recess, and I asked every group: Medicare might not be perfect, but aren't we happy that there is a Medicare? Where would we be if our country didn't have Medicare at all? I think we'll be asking the same question 10 or 20 years down the road: Where would we be if we didn't have a public option?

What a great way to provide real competition for insurance companies and to allow people to have access to a Medicare-like program at a younger age.

Thank you, Madam Speaker.

Madam Speaker, a number of my constituents have asked that I share their stories on the floor of the House of Representatives and with the people of the United States on why we need health care reform.

One gentleman from Niwot, Colorado, asked that his name not be used. He and his wife are healthy. They have a new baby son, who is also healthy. The mother returned to work when he was 12 weeks old, and they put him in daycare. Now, why?

She didn't need the salary. Her husband had a good salary that they felt they could live comfortably on. She likes her job, but she really wanted to be with the baby more. Don't they have savings? Well, they have a little money saved but only enough to carry 6 to 9 months of expenses. Then why, oh why, would a woman who wants to be with her baby have to go back to work?

It's very simple. They need health care insurance to fall back on if her husband is laid off, which is a real risk in his line of work. The idea of millions of Americans losing their jobs is a real risk for many American families. They wanted that peace of mind, and that's why she went back to work. Sure, they knew there was COBRA, but if they had to pay for that and if the tab had come to $1,200 a month and if they had no income coming in, that would eat up their savings right away.

□ 2240

This woman from Niwot says, In our case, having affordable yet good health insurance would allow me to stay home with my son and free up my job for someone who actually needs the paycheck.

Health care reform can and will lead to stronger families, help provide jobs for those who need those jobs, and give peace of mind and security to families across the country like this family in Niwot, Colorado, and that's why they want us to pass health care reform.

Thank you, Madam Speaker.

Madam Speaker, I rise today to share with you the story of Mike from Denver, Colorado. Mike shared a story with me and asked that I share it with my colleagues here in the House of Representatives.

Mike was diagnosed with non-Hodgkin's lymphoma in 2007. After his first week of chemotherapy, he contracted an infection and landed in the hospital. As anybody knows who has experienced a hospital stay, during the 2 weeks he was in this hospital he racked up an enormous bill, and of that bill about 80 percent was covered by insurance.

Now, Mike considers himself lucky that his out-of-pocket expenses were just under $22,000 a year. Now, lucky that his bill was only $22,000. Now, Mike can't imagine how he could even begin to afford the total bill, which cost over $120,000. But for many American family, $22,000 is almost as bad as $120,000, because it's money that we simply don't have.

Mike wanted me to share that every American deserves to be provided for in case of catastrophic medical emergency, because it's the right thing to do. You know, non-Hodgkin's lymphoma, cancer, heart disease, they can affect any one of us, our brothers, our sisters.

I have a friend in Boulder, is 41 years old, lives a healthy lifestyle, had a heart attack, he survived. Lived healthy, through no fault of his own he had a heart attack. Now, that's going to be a preexisting condition for him the rest of his life, just as for Mike, the non-Hodgkin's lymphoma is going to be a preexisting condition.

By preventing pricing discrimination based on preexisting conditions and providing affordability credits and empowering consumers to choose from a multitude of insurance options, including the public option, through the exchange, we can truly provide a better quality of health care to Americans for a lower price. That's why we need to pass health care reform.

Thank you, Madam Speaker.

Madam Speaker, I rise today to share with you the story of Suzanne Perry of Parker, Colorado.

Now, Suzanne lives in Parker, but might as well be Los Angeles, California, might as well be Billings, Montana, might as well be Dallas, Texas. This is a story that could occur anywhere in this country. Suzanne is a breast cancer survivor. She had 13 of 16 positive lymph nodes and came very, very close to not making it.

Suzanne took a high dose of chemotherapy, radiation, bone marrow transplant, bilateral radical mastectomies to save her life. Because of those dramatic interventions, she has significant scar tissue under both arms that continues to tighten, making it very difficult for her to even lift her arms to write or to hug her four children.

The insurance company declined her doctor's request for scar-releasing surgery. They said, Oh, that is cosmetic. She had to take her case, Suzanne took her case all the way to the top of the insurance company's appeal chain.

When she arrived at the insurance company's conference room to discuss binding arbitration, there was a group of men sitting around the conference room holding copies of a picture of her bare chest, which had been submitted by doctors as evidence. Suzanne said, That was unquestionably intentional and felt demeaning and humiliating for me, and it certainly made it more difficult to present her case. Imagine going into a room filled with a bunch of men all with pictures of you naked showing your breast and your scar tissue.

Ultimately, the arbitrator ruled that Suzanne could have the scar tissue released on one side but not the other. That was akin to untying one arm from behind my back but leaving the other one tied or perhaps akin to King Solomon's famous solution to the issue of whose child was it when he was presented with two mothers claiming the same child, and he recommended that they cut the child in half to find out which mother actually cared more for the fate of the child.

That's frequently what arbitrators do. They split the difference. That's a commonly known theme.

I have a business background, and in our judicial system, sometimes if you take a case to court, they might decide whole-hog one way or the other. If you

go through a binding arbitration process, it's very, very common, doesn't always happen, but very common the arbitrator will try to split it down the middle. In this case, she can lift one arm but she can't lift the other.

By providing Americans more choice in health care coverage, we empower consumers to choose the insurance company of their choice. In a market system, it simply doesn't work if one or two companies and a monopoly or oligopoly have an 80 or 90 percent market share, as is the case with insurance in many markets today.

Through the exchange, we are providing a very vibrant and active marketplace where dozens and hundreds of insurance companies can compete, as does the public option. People like Suzanne will have the ability to go to other insurance companies to not be discriminated against based on their preexisting condition.

Hopefully, any insurance company that forces a woman to fight for a surgery she needs by showing up to a boardroom with 12 men and naked pictures of that woman's chest, that insurance company should lose business, and they will under any plan in which they face real competition, and that's exactly what the Democratic plan does. That's why Suzanne's story should be powerful testimony as to why my colleagues should join me in supporting health care reform.

Thank you, Madam Speaker.

Madam Speaker, I rise today to share with you a very moving story from Lucius Day of Littleton, Colorado. Lucius wanted me to share the story of their family's experience with health care.

Lucius was married 56 years ago. He and his wife didn't have health insurance at that time. Few people did. But within a few years, they, as many American families, they got their health care benefits provided from their employers and they always had at least one member of the family who was steadily employed. Lucius is, of course, now comfortably retired and he has Medicare. But, Lucius writes, his children haven't been as fortunate.

Their children have, like many Americans, experienced extended periods of unemployment and part-time employment. They have had extended periods of time under which they didn't have health care benefits and couldn't afford to purchase any meaningful health care insurance. On more than one occasion, one or more of Lucius's kids have been forced to rely upon emergency room health care, for which they were unable to reimburse their provider.

Lucius told me that all of the arguments against a government-provided health care option are, quote/unquote, nuts, and they are fundamentally flawed.

Lucius wanted me to share with you that we need public health care that covers the basic needs of everyone, and Lucius says if some want more health care, they can buy it, but everyone should have basic health care as a right, not a privilege.

Through health care reform, Lucius's kids would be receiving affordability credits. What that means is, if you make $20,000, $30,000 a year or if you are in a family of four, even if you make $40,000, $50,000, $60,000 a year and you don't get insurance through your employer, it's very hard to afford insurance on your own for your family. What do we do under this plan? You receive affordability credits. They are vouchers you redeem for the health care product of your choice.

Now, that won't be enough, just that step in today's market, because the cost of buying health care, if you are on your own, is outrageous, particularly if you have a preexisting condition. So we take a couple additional steps. One, we create an exchange. What the exchange does is it gives every individual and small business the same buying power as a multinational corporation with hundreds of thousands of employees. They can get those same rates that used to be reserved for the big boys.

The other thing we do is prevent pricing discrimination and exclusions based on preexisting conditions. So Lucius's kids would have access, if we can pass health care reform today, to real health care insurance and security for them and their families.

I hope that Lucius's story helps my colleagues to understand the human face behind why it's so urgent for us to pass health care reform.

Thank you, Madam Speaker.

Madam Speaker, I rise today to share with you a powerful story from Beth Hunt in Longmont. Beth asked that I share her story on the floor of the House of Representatives to help put a human face on health care reform for my colleagues.

□ 2250

Beth has a young family of four. It's a two-income household; but like a lot of two-income households, they're still struggling to get by. Beth gets her insurance through her job, and they cover the two kids under her plan. Her husband is a self-employed handyman. He works very hard; and as anybody knows who is a handyman or knows one, that can sometimes be a dangerous job. Beth can't cover her husband under her insurance because it was way too expensive. It would mean her checks from her job would go 100 percent completely to insurance with nothing to spare. Why? Well, her husband has high blood pressure. And they applied with many independent insurance companies, but they all denied him.

What are we supposed to do, asked Beth? Every day, I just hope, I just hope that nothing happens to him, Beth says, because they can't afford it. Beth says, I love him so much, and he deserves to have insurance. He works very hard at his job. Nobody is watching out for my husband. Nobody seems to care about us. Please help.

Health care reform will help Beth and her family. And here is how. Depending on the income level of the family, they're a family of four, if they make under $72,000 a year under the House plan, they will receive affordability credits to buy insurance. That's vouchers that they get that they'll be able to take to the insurance provider of their choice.

Even if they make over $72,000, if they make $80,000 or $90,000 they will finally have a low-cost option for Beth's husband. What is that option? It's the exchange. The exchange is a pool of individuals and small businesses that buy insurance together, effectively giving individuals that are covered, like Beth's husband who is in business for himself, the same kind of buying power and negotiating leverage in buying insurance that multinational corporations with hundreds of thousands of employees have. So they will be able to get that same favorable rate.

Another thing we do is prevent pricing discrimination and exclusions based on preexisting conditions. So just because Beth's husband has high blood pressure doesn't mean he won't be able to be covered, and they no longer will be able to deny him. He will be able to get inexpensive insurance through the exchange without pricing discrimination based on the preexisting conditions. That will afford families like Beth real financial security.

Health care reform will make families like Beth's and millions of other families across our country stronger, stronger because they have some degree of health care security, some degree of financial security, and they can go to bed every night without worrying about what they're going to do if, God forbid, they have a medical emergency.

Thank you, Madam Speaker.

Madam Speaker, I rise today to share with you a very powerful story from my home State of Colorado. But this story could be from San Francisco, California. It could be from Austin, Texas. It could be from Salt Lake City, Utah.

Carol from Denver is a single mom with two kids. Carol became disabled about 12 years ago while she was working at Burlington Northern Railroad. Because of that injury, in part, it's one of the reasons that led to her divorce because it became very hard for her and her husband. Carol got Kaiser Connections coverage through her church, but that only lasted 2 years. As soon as she had the coverage, she went in for severe headaches, and they found a brain tumor. Carol had surgery on the brain tumor, but they weren't able to remove all of it. And as soon as her 2 years were up, she was dropped. And of course, she is unable to get new coverage because of the scarlet letter that far too Americans wear: preexisting conditions.

Carol was still undergoing treatment when they dropped her, and she

couldn't continue taking the medicines that they had her on for seizures that were also causing her headaches. Also 2 months after her brain surgery, her ex-husband passed away. Now she's the only one that is there to support her 11-year-old son.

Carol tried getting coverage through a public-private partnership in Colorado that wanted about $500 a month. That would be almost half of her income. She makes just over $1,000 a month. She can't afford the rent, food, gas, no extra money. Try surviving on $1,000 a month. How are you going to spend $500 a month on health care?

Carol shared with me that she is desperate to get health care coverage, but she feels she keeps hitting a brick wall. She says if there is anything to this health care reform that can help me at this time, I would be forever grateful.

Carol, there is. And I call upon my colleagues in the House of Representatives to pass health care reform.

What would it mean for Carol? Well, at her income level, she would receive affordability credits, that is effectively a voucher, that she would be able to take to the insurance provider of her choice and that would basically pay for the cost of health care insurance. Those affordability credits are on a sliding scale. So for a family of two, they go up to about $45,000 a year in income. So even if you're making $35,000 or $40,000, you still get some affordability credits. But at $12,000 or $15,000, they basically cover about 100 percent of the cost of health care.

Now, that's not just any health care. That's health care through the exchange, which is a low-cost option for anyone who is self-employed, buying insurance on their own, small companies. That will give Carol the choice of dozens, perhaps even hundreds, of insurance options in that exchange, one of which would be the public option. The others would be a plethora of private options that she would have the choice to choose.

Health insurance today is unattainable, unattainable for Carol and 45 million other Americans like her. By passing health care reform, we can help Carol and her 11-year-old son have a mother as he grows up. That's the face of health care reform.

As my colleagues cast their votes on health care reform in the coming weeks, I encourage them to remember Carol and her story, and the millions of others like her across this country.

Thank you, Madam Speaker.

Madam Speaker, I rise today to share with you a powerful story from Jeannette Thorner of Colorado. Now, Jeannette happens to live in Colorado; but she might as well live in Houston, Texas; Salt Lake City, Utah; or Portland, Oregon. Her story could occur anywhere. It could occur to any of us.

Jeannette's husband is self-employed, and they have always been able to obtain their own health insurance. Now, in their younger years where they didn't have any health issues, it wasn't a problem. It was automatic. Like a lot of things, when you don't need it, it's there. But the real question is what happens when you need it.

In more recent years, Jeannette says it has been very difficult to get the coverage they need because of preexisting conditions, some of which she says aren't even serious. Approximately 3 years ago, Jeannette couldn't get insurance coverage because of acid reflux problems. And she had to go, finally, with American Republic Insurance Company who did insure her, but of course excluded any coverage related to acid reflux disorders. The premiums were higher than they were with the previous plan, and they've gone up every year, and the coverage isn't even as good as before and doesn't include any prescriptions. Doctors' visits are limited to three a year with a maximum payment of $100.

Well, 2 years ago, Jeannette was diagnosed with stage three breast cancer. Now she has been in a constant battle, not only for her health, but a constant battle with her insurance company to cover tests and treatments. Even when it was 100 percent clear that Jeannette's policy covered her treatment, her insurance company initially refused payment.

Now, Jeannette was on a drug called Femara for several years, and it's a very expensive drug. They're a middle class family. They don't qualify for public assistance. The least expensive price in the U.S.A. for this drug with a discount card is $350 a month. What Jeannette does is she actually reimports from another country for a lower cost. You're allowed to do that for your own personal use. And, unfortunately, many American families with no other alternatives are forced to resort to that. Jeannette's husband is now 67, and she is 64, almost there for Medicare. Jeannette knows there are many other people in her situation, and she asked us to do something.

What does health care reform do for Jeannette and others like her? First of all, we provide affordability credits, depending on your income level, so for a family of four, up to $72,000 a year in income, you will receive vouchers or credits that will enable you to help pay for the insurance policy of your choice.

□ 2300

Secondly, you will have access to the insurance policy of your choice through an exchange. What is an exchange? Well, it is one large risk pool where there are many different insurance options available under one rubric. Effectively, the exchange has the negotiating leverage that previously only multinational corporations had, so an individual or small business seeking insurance will be able to get the same favorable negotiated rates that previously exclusively had been the domain of large corporations.

So we prevent pricing discrimination and exclusions based on preexisting conditions. Yes, Jeannette, your acid reflux would not be excluded. Yes, Jeannette, you would not have lost coverage with your prior carrier because they would not have been able to cut you because of acid reflux.

For families like Jeanette's across the United States, it is critical that this United States Congress act now to pass health care reform.

Thank you, Madam Speaker.

Madam Speaker, I rise today to share with you a story from Colorado of a resident of Lafayette. He is the president of a nonprofit, statewide organization that operates across several States, a well-known organization based in Boulder, Colorado, an organization with a philanthropic mission of promoting access to good education for the citizens of the Western United States. They do good work, and I attest to that, having served on the Colorado State Board of Education and having worked with them and many others in the education community.

He writes that in 2000, his organization was paying $11,150 a month for their share of health care costs for their roughly 40 employees. Today, the organization is paying $24,500 a month. Eight years, it has more than doubled. And, he adds, this buys less health care, because they have had to reduce the breadth of health care over time.

Spending twice as much for less. Sound familiar? I hear this story from hundreds and hundreds of businesses, from nonprofits, from individuals.

It is getting worse, folks. The cost of not taking action means that 10 years from now we will be asking ourselves again, why did it double in cost? Why are we getting less for twice as much?

For organizations like this nonprofit, as well as other nonprofits and for-profit organizations and small companies, it is critical that we pass health care reform; rein in growing costs; give small employers access to exchanges that give them the same negotiating leverage that large corporations have; have a public option that provides real competition with insurance companies; and make sure that no one is forced to choose between one or two providers in a monopoly or duopoly.

Let's empower consumers with choice and let them choose the insurance company of their choice. By creating that market dynamic, we can rein in growth in health care costs and make sure that organizations like this one won't be telling the same story 10 years from now.

Thank you, Madam Speaker.

Madam Speaker, I rise today to share with you the story of Barrett. Now, I went to high school with Barrett. I hadn't heard from him in a couple of years, and I was honored when he chose to share his personal medical story, not just with me, but asked me to share it with the people of the country and my colleagues here in the United States Congress as a way to encourage them to help support health care reform.

Barrett has been living with diabetes, like many millions of Americans, for

about 35 years. And yet, Barrett says, the biggest battle he faces is not the battle with the disease. The biggest battle that Barrett faces is his battle with the diseased health insurance system.

Barrett has no complications due to his diabetes, yet every year his insurance plan finds new and creative ways to increase his premiums with, of course, no benefits to him. For the last 7 years, Barrett used a product called Lantus insulin to survive, but his insurance company hasn't added it to its formulary. His insurance company states that it is not necessary to his overall health. Well, the reality is, says Barrett, ''if I don't take it, I die.'' It sounds necessary to me.

Plain and simple, Barrett shared with me, insurance companies make more money from nonformulary drugs. Substantially more. The insurance companies and drug companies are turning huge profits. These two conglomerates understand there is a lot of money to be made.

''Let's face it,'' Barrett says, ''the health insurance industry has become nothing more than legalized extortion.''

You know, there are millions of Americans like Barrett; Americans who, because of a preexisting condition, through no fault of their own, any of us could be born with or develop diabetes, anybody could develop cancer. I had a friend with a healthy lifestyle, worked out and biked a lot, 41 years old, had a heart attack. You know, it can happen. That is going to be a preexisting condition for the rest of his life.

Too many Americans bear the scarlet letter of preexisting conditions, like my friend Barrett.

In health care reform, we ban pricing discrimination and exclusions based on preexisting conditions, one.

Two, we empower consumers with choice through an exchange, forcing insurance companies, in some markets for the first time ever, to have real competition with one another, including a public option.

Three, we provide affordability credits to help middle class families afford health care.

Barrett asked, ''What is the cost of my health to my wife and daughters?'' Barrett says, ''I would say it is worth more than the annual bonuses the executives get on top of their six-figure salaries.''

Well, I agree with my friend Barrett. The life of Barrett, the health and financial security of his wife and family, the health and financial security of tens of millions of American families is worth more than the bonuses that insurance executives get.

I call upon my colleagues to support the Barretts of the world in your district and join me in supporting health care reform.

Thank you, Madam Speaker.

Madam Speaker, as we discuss health care in this body, and we have had a good and healthy and extensive debate on health care over the last 6 months, and we will continue to over the next month or two, I think it is important to remember the human face; the face of our constituents who put us here to represent them; the face of a family whose 11-year old boy broke his wrist skating and didn't want to tell his mother because he knew it would bring tears to her eyes because of the financial ruin it could cause the family; the story of somebody who is a breast cancer survivor who can't get coverage because of a preexisting condition.

This is the face of health care in America today. And we can do better, and we will do better, and I call upon my colleagues in the House of Representatives to say, enough is enough. Let's make a health care system that we can be proud of, that makes American families stronger, and promotes our economic growth and our financial health.

SUPPORT FREEDOM AND DEMOCRACY IN HONDURAS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 60 minutes.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, it is no secret that there are many challenges to democracy in our hemisphere. There are a number of anti-democratic regimes within our hemisphere that are doing everything they can to expand their influence, to expand their anti-American, anti-democratic, anti-freedom agenda across the hemisphere. But tonight I want to speak about a little country in Central America that is fighting a heroic battle to stop that trend, to keep their democracy alive, to keep their freedoms, their rule of law, their electoral process intact, and that is Honduras.

The people of Honduras, Madam Speaker, have for decades had a democratic process. It has been a process that, frankly, has been a model for many around the world. They have great established democratic institutions. They have had presidential and other elections on regular cycles. And that took place again in November of 2005 when a new President was elected. Mr. Manuel Zelaya was elected.

What happened though, unfortunately, Madam Speaker, is that president then started going in the same direction as other authoritarian regimes had gone, like Mr. Chavez in Venezuela.

□ 2310

And he started violating the Constitution. He started violating the rule of law, not to mention obviously, other things like massive corruption and theft and allegations of ties with the narco—with drug trafficking. But again, he also was violating the Constitution.

On March 23, 2009, right almost at the end of this man's term, he then started an illegal effort to try to change the Constitution so that he could stay in power, remain as President after his term had expired. Now, it's very interesting, we need to understand something, that because Honduras had had dictatorships in the past, their Constitution, which is revered by the people there, was very clear that you could not do that. You could only serve one term as President and that's it for life. You could not do it again. Article IV of that Constitution states very clearly that a President's term may never—is one term, and that that part of the Constitution can never be amended. In other words, a President cannot try to stay on after his term.

March 25, the Office of the Public Prosecutor, as again I mentioned, because President Zelaya tried to start the process so that he could remain in power, the Office of the Public Prosecutor begins investigating what President Zelaya is doing, focusing on the legality or the possible illegality of that proposed referendum to change the Constitution.

May 2009, because President Zelaya's actions were a clear violation of the Constitution, the Attorney General also petitioned the Administrative Law Tribunal to annul, to stop this illegal process that President Zelaya was trying to do, a referendum again so that he could keep himself in power.

May 11, 2009, the Office of the Public Prosecutor publicly states that the referendum violates the Constitution. On May 12, 2009, the Administrative Law Tribunal issues a temporary injunction, prohibiting this referendum that President Zelaya is trying to do to keep himself in power from taking place.

May 27, 2009, the Administrative Law Tribunal rules that the referendum violates the Constitution and orders suspension of all acts in its support. May 28, 2009, despite the referendum already having been declared illegal by the Administrative Law Tribunal, then President Zelaya continues to advocate for that referendum so that he can stay in power.

On May 29, 2009, the Administrative Law Tribunal clarifies its previous May 27 ruling, explaining that any and all acts that would lead to any vote or poll similar to the referendum that President Zelaya was trying to put forward is a violation of the Constitution.

On June 9, 2009, the appellate court, now, of the Administrative Law Tribunal unanimously, unanimously rules that Zelaya's actions violate the Constitution. I think you're starting to see a pattern here; that there is a broad consensus in the courts and everywhere that what Mr. Zelaya's trying to do to keep himself in power is in violation of their country's Constitution.

June 19, 2009, the Honduran appeals court orders the Honduran Armed Forces to not provide any support for this proposed referendum that the

President was trying to do to keep himself in power.

June 24, 2009, Zelaya orders the chairman of the Joint Chiefs of Staff and the Secretary of Defense to violate the constitution and to carry out the referendum, which again has already been ruled unconstitutional. You know, why would he ask the Armed Forces to do that? Because under article 272 of that country's Constitution, it states that the Armed Forces is the one that carries out the elections and helps in the election. But the Armed Forces says, No, Mr. President, we're not going to violate the Constitution and the court rulings.

So when the chairman of the Joint Chiefs of Staff and the Secretary of Defense refuses to carry out the illegal orders of the President to violate the Constitution, what does President Zelaya do? He fires them both. On June 25, 2009, the Office of the Public Prosecutor files a motion with the Honduran Supreme Court of Justice to reinstate the Joint Chiefs of Staff chairman, Mr. Velazquez.

June 25, same day, the Honduran Supreme Court of Justice now unanimously rules that Zelaya's dismissal of General Velazquez is another violation of the Constitution. Again, this constitutes one of multiple violations of the Constitution by President Zelaya, and he's trying to do all this so that he can stay in power, despite the Constitution.

Now, since this referendum that President Zelaya continues to try to do had been ruled illegal and they can't print the ballots, what does President Zelaya do? He has ballots printed in Venezuela by Hugo Chavez. Everybody in our country knows who Hugo Chavez is. Those ballots are then flown into the country to try to go ahead with this illegal referendum to change the Constitution, I repeat, so that Mr. Zelaya can stay in power.

Well, June 25, 2009, the Honduran Supreme Electoral Tribunal declares that the referendum violates the Constitution, once again, and orders that the Armed Forces take custody of those illegal ballots printed in Hugo Chavez's Venezuela. The same day, June 25, the Office of the Public Prosecutor files a criminal complaint against President Zelaya for treason, abuse of authority, and usurpation of power.

June 26, 2009, Zelaya makes public a secret executive order rescinding his original intent referendum, replacing it with another one, and basically, again, continuing to go forward to try to change the Constitution so that he can stay in power and stay in power as President. I don't know for how long he had the intention of staying in power.

June 27, Zelaya then leads a mob of supporters because, remember, the Armed Forces had held these illegal ballots. Well, he then leads a mob in violation of court orders of the Supreme Court, et cetera, and he breaks into where those ballots had been held by the military, a military base, and he takes them out with the intention of starting to distribute them, despite the fact that there had been multiple court rulings saying that they're illegal.

Well, then, June 28, 2009, the Honduran Supreme Court of Justice issues an arrest warrant for President Zelaya and orders the Armed Forces, orders the Armed Forces to arrest him. Remember, this is a court order by the Honduran Supreme Court of Justice ordering the military, and I mentioned before that the military are the ones in their Constitution who are responsible to enforce that. They order the military to go ahead and arrest him. So, yes, the Armed Forces carry out those orders. Now, June 28, the legislature, the Congress of that country votes 124–4 also to remove President Zelaya because of his violation, multiple violations of the Constitution.

June 28, 2009, a special congressional commission issued a report on Zelaya's action, a special congressional commission, and based on this report the Congress votes 124–4 to remove Zelaya and replace him with the person who, in their Constitution, was next in line. And that was, who was available was the Speaker of the House, Mr. Micheletti. He becomes the President.

June 28, the Armed Forces, as a defender of the Constitution, decides that instead of imprisoning Mr. Zelaya as they had been told to do, following those court orders, instead of imprisoning him, what they do is they put him on an airplane and they send him to neighboring Costa Rica.

Now, that is what has happened. The democratic process continues in Honduras. The elections that were convened before this whole issue and this whole crisis started, those have continued to go forward. So here's the good news, that despite that challenge, the Honduran people, the democratic institutions, that democratic country is going forward with their elections. Those elections are going to be taking place the 29th of November. And obviously, we here in the United States and the world should be applauding, applauding that heroic people, the way that they're following their Constitution, they're preserving their institutions, they're preserving the rule of law, their freedom and their democracy. But, unfortunately, Madam Speaker, that's not the case.

Because of the pressure of individuals like the Castro dictatorship and Hugo Chavez, unfortunately, even the United States is now saying that the Honduran people should not have elections, that they don't deserve those elections, that they should not go forward with those elections.

□ 2320

Now, Madam Speaker, think of the sacrifice of the American people, particularly our men and women in uniform who have done so much and sacrificed so much so that people around the world can have elections.

And here we have a neighboring country, an ally of the United States, who is about to have elections, who is about to fulfill their people's dreams. They're going to have presidential elections, municipal elections, and congressional elections. Are we celebrating it? Are we encouraging them? Are we helping them? No. We're trying to stop them. We're trying to impose a dictatorship, and we're trying to stop them. How unfortunate and how shortsighted, Madam Speaker.

Madam Speaker, I am joined today by a number of individuals that I have the highest admiration and respect for.

I would like to first recognize Mr. ROSKAM from the State of Illinois. Mr. ROSKAM has been looking at this issue, has been analyzing this issue, speaking up on this issue. And it is a privilege to recognize him for 3 minutes.

Ms. ROSKAM. I thank the gentleman for yielding.

Madam Speaker, a couple of weeks ago I was out with a group of Members in Congress and my BlackBerry went off. And I read my BlackBerry, and there it was: it was a message, and it said that Senator DEMINT was going to be going to Honduras and the Senator from South Carolina was making that journey available to other Members of Congress who had a desire to go. And I made the decision, I said, Hey, I want to go down to see what's going on there, to see with my own eyes what's happening in Honduras.

I was joined by the gentleman from Illinois, Representative SCHOCK; the gentleman from Colorado, Representative LAMBORN. And the four of us went down on what's called a congressional delegation.

In we flew. It was a 1-day trip, a short trip. In we flew, and we landed in Honduras. And what a great privilege to meet with those people.

Let me tell you a little bit about that trip, Madam Speaker.

We met with President Micheletti and his leadership team. We met with the Honduran Supreme Court. We met with the leading presidential candidates who are running for office in the races that the gentleman from Florida mentioned that is going to convene on November 29 of this year. We met with the independent election commission, and we met with members of civil society, in other words, those people who are participants in the culture and economy and religious life of Honduras, including Americans who have lived down there, Madam Speaker, for as long as 25 years.

And as the four of us gathered and listened and asked questions of these folks who represented the leadership and a wide range of perspectives across Honduras, there is one word that comes to mind that was universal in how they were perceiving the United States of America. And that single word was ''bewilderment.''

They were bewildered because, from their perspective, they had been coloring within the lines. From their perspective, they look to the north at this Nation that they admire, this Nation

that they have a relationship with, this Nation that they look to, and yet this Nation was looking at them askance.

Now, think about that. This is a Nation, the United States of America, that is willing to enter into conversations directly or indirectly with Ahmadinejad of Iran; we're willing to enter into conversations directly or indirectly with the Castro brothers of Cuba; but we are not willing to be in a conversation with this group, this long-time ally, the country of Honduras.

Let me tell you where it breaks down from my perspective. We met with President Micheletti, and all of us who are Members of Congress and members of the general public, we've all been in meetings that have been highly manipulated and we know when there's a hustle going on, and you can kind of feel it. You know when it's scripted, when somebody is saying, Oh, you say this and you say this and you say this.

But I am telling you, in this meeting, there was a great deal of spontaneity. And that was true of all of these meetings, Madam Speaker, all five of these meetings that I just described, they were spontaneous.

And in the course of the meetings, President Micheletti admitted two mistakes. He was very transparent. He said, Look, we didn't have the authority to remove President Zelaya from the country. We didn't have the authority to do it. It was a mistake.

Now, he was charging the military base and so forth, but President Micheletti acknowledged that they didn't have the authority to do it.

He also said they didn't have the authority to shut down two television stations. They were small stations. They were broadcasting insurrection. We didn't have the authority to shut them down. It was a mistake. We regret it. We are moving to open them up, and so forth.

But I cannot even begin to convey to you the sense of bewilderment, Madam Speaker, that the Hondurans expressed.

Here we are, Members of the United States Congress, and we're seated with the Honduran Supreme Court. And I am thinking to myself, frankly, who am I or who are we to pass judgment on the Honduran Supreme Court on how they're interpreting their own Constitution, right?

But they say to us, Look—and they made it very, very clear—we issued the order that the military followed. The military didn't tell us what to do. We, a civilian supreme court, issued the order and told them what to do. And I think that that's pivotal.

When I was down there with Representative SCHOCK, who's joining us tonight, and others, it was clear to me there's more police officers, Madam Speaker, around the United States Capitol tonight than there are around the presidential palace around Honduras. So the characterization of this as a military coup is casting it, frankly, in a false light.

So all kinds of drama going back in the past, all kinds of situations as you look back in the past. Some mistakes, some not mistakes, some things characterized a certain way, some things not characterized a certain way.

Where do we go from here? We go to November 29.

Now we, as a country, historically, have looked to elections of a free people as the remedy moving forward. We have historically said, notwithstanding the background of a nation, if there is a free, fair, and open election, we are going to recognize and acknowledge the government that is subsequent to that.

And I wholeheartedly believe and I wholeheartedly hope that the Obama administration, Secretary Clinton will lay out a parameter by which the Honduran Government can satisfy the administration that they're going to move forward. In other words, if the Honduran people make a decision on November 29—and let's remember, President Zelaya, former President, is not going to be on the ballot; President Micheletti, who is currently in office for this collapsing duration of time, is not going to be on the ballot. It's several other individuals who campaigned, got their nominations. They're on the ballot for their parties. Those are the individuals who are campaigning for office. And when we met with those individuals, not a one of them had a suspicion that there was anything that was untoward in this upcoming election. They all felt it was going to be pure as the wind-driven snow.

Mr. MARIO DIAZ-BALART of Florida. Will the gentleman yield?

Mr. ROSKAM. Yes, I will.

Mr. MARIO DIAZ-BALART of Florida. You just mentioned the election that's going on. It is accurate to say, is it not, that that's a process that's been going on for about a year? And those candidates that you met with are the same candidates that have been in this process that were elected in open primary elections to represent their respective parties. So that has not changed. There is no change there. That process is the same, clean, clear democratic process that has been going on way before any of this controversy has been going on, and they're the same candidates, are they not?

Mr. ROSKAM. Reclaiming my time, they are exactly the same candidates, absolutely.

And when Representative SCHOCK and I met with the individuals who are those that are in charge of administering the elections, frankly, they made it very clear to us they were not happy to meet with us at the place where we had to meet. They felt like we shouldn't—they shouldn't be there in the presidential palace.

But they were humoring—they were accommodating us and being very gracious to us, but they made it very clear that they weren't happy to meet with us there. Why? Because their job is to ensure the integrity of the ballot.

So here's where we go. So we're looking at November 29, the Honduran people are going to make a decision. They're going to choose one of these nominees who has been nominated by their party, and the United States Government then is going to have a decision to make.

□ 2230

I think it is wise. I think it drives toward stability. I think it drives toward prosperity and toward a really good, solid foundation for us, for the American people, to recognize the legitimately elected officials of that government that the Honduran people, themselves, choose on November 29.

I think it would be a devastating mistake if we were to look the Hondurans in the eye and say, You know, we really don't care who you choose. We're going to manipulate, and we're going to decide who your next president is going to be. Heaven help us if we go that route when we're a nation that historically has stood up and has said that we're going to stand for free, open and fair elections.

I'm the first to say—and I think you are, too, Mr. DIAZ-BALART—that if there were any nonsense to go on in an election, you would be the first one to jump in; but there has been no indication whatsoever, none, even from the presidential candidates who are currently running nor from the conversations that Representative SCHOCK and I had and that I know you had with others when you went with Ms. ILEANA ROS-LEHTINEN and others down to Honduras. So I think it is incumbent upon us to stand up, to stand with the Honduran people, to stand alongside them in this time of real turmoil.

In closing, I just want to make one observation. In the meeting that we had, the United States has, I think, unfortunately, cut off very pivotal aid right now to the country of Honduras. Yet, as one of the Honduran individuals said to me, You know, we can endure the lack of aid, but what good is aid to us if we give up our country?

I think, Madam Speaker, that is a good watchword, one upon which we need to rest our foreign policy, and I would encourage the Obama administration to take that to heart.

With that, I yield back to the gentleman.

Mr. MARIO DIAZ-BALART of Florida. I want to thank the gentleman.

The gentleman mentioned bewilderment and that the Honduran people are, frankly, in awe, wondering what is going on. All they want to do is to continue to have their democratic process—to have their elections that were prescheduled.

A person who asked that question and who tried to get some real answers is an individual you already met and who went with you to Honduras. He is a person who is, obviously, dedicated, who is young, but who has led a very productive life in public service. So I would like to recognize the other gentleman from your State, who was also down there with you—Mr. SCHOCK.

It's interesting. I know you had some of the same questions. I guess you asked the Library of Congress to look into it, right?

Mr. SCHOCK. Correct. Thank you, Mr. DIAZ-BALART.

Look, shortly after I was born, which was in the 1980s, much of Latin America and Central America was struggling with the issue of democracy. Through much of that decade, it was the goal of the administration and the goal of this country to promote and to transition to democracies in that region. So, through much of my life, I have watched these countries continue to grow, to continue to strengthen their relationships with the United States, to continue to be friends and allies to the United States. That was my understanding of that region of the country.

Now, I'm not an attorney. I'm not a constitutional law expert. I certainly do not know the Honduran Constitution chapter and verse. So when the events took place on June 28 and when our State Department and this administration quickly said, Well, this was a coup d'etat and that what occurred there was wrong and that what occurred there was a violation of their Constitution, and when they began demanding that the Honduran people and the government there turn back on the decisions they had made, I didn't know what to think. Before jumping to conclusions, before getting on board with our State Department's position or opposing our State Department's position, I enlisted the support of the many resources that we have as elected Members of Congress, namely, the Congressional Research Service.

In July, I wrote to the Congressional Research Service, and I asked them to look into the events that had occurred in Honduras. I asked them to look at the Honduran Constitution and to tell me chapter and verse whether or not what occurred there in Honduras was, in fact, in keeping with Honduran law or whether or not it was a violation of their Constitution.

The Congressional Research Service then reached out to the law library—to the Library of Congress—and I patiently waited for over 2 months for them to generate this report. In September, they provided this report on Honduras and on the constitutional law issues that we had raised about this situation. They did a very thorough analysis, and they went through, basically, chapter and verse of the Honduran Constitution and on what had occurred in Honduras.

Basically, they came to the conclusion that what had occurred there was in keeping with the Honduran Constitution, that the Congress and the Supreme Court have the authority to hold their elected representatives accountable, that they have the authority to vote and to take action when they believe that the leaders of their country are dilatory in their duties and to ask that they be removed.

However, the report also found that the expulsion of Mr. Zelaya from the country was a violation of their Constitution, and they cited the portion of the Constitution that clearly says, even if you violate Honduran law, you are to be prosecuted, and you can be imprisoned, but you cannot be expelled from the country.

Now, it's pretty clear to me what was legal and what wasn't legal. In stepping back and in looking at the current State Department's position, I kind of scratched my head, and wondered, Well, where is their justification? Where is their chapter and verse? Where is their black-and-white outline of justifying their position which says that what occurred there was not legal? Other than to say, well, we don't like what happened, that we don't like the tone, that we don't like the precedent, and that we don't like the way it looks, I haven't seen a counterpoint. I haven't seen a counter report from the State Department that has gone through chapter and verse and has given a legal opinion on why this was a violation of the Honduran Constitution.

Furthermore, we can all have a debate here tonight about what should happen with those issues which we all agree should not have occurred, namely, the expulsion of Mr. Zelaya from the country, but what I want to say is this:

First of all, we as a country must uphold the rule of law, and we as a country must respect other countries' constitutions. Whether they're the way we would write the constitutions or whether we like the way the constitutions are written really is irrelevant. The fact of the matter is, for us to suggest otherwise—for us to suggest, well, your constitution has to look like our Constitution, and your process has to look like our process—really is giving us the symbol of the ugly American, if you will, in the world, that somehow we believe everyone should look like the United States of America in all of our forms, including in our Constitution. What is important, however, is that the constitution is written by the local citizens, that it is respected and that the rule of law is upheld.

I have to think back to just a year ago at about this time. Prior to my being in Congress, I was in the statehouse in Illinois. In December of last year, our legislature, of which I was a member, started a process according to our constitution in the State of Illinois to remove our duly elected leader—our Governor. Now, our Governor had not been convicted of any crime. He had not been indicted for any crime. He had not been brought to trial for any crime, but our constitution clearly said, in the State of Illinois, when a majority of the legislature deems that the Governor is dilatory in his duties, it can have him removed, and our legislature followed that constitution, and had him removed.

I'm going to tell you right now that not everybody in the State of Illinois agreed. Certainly, not everyone in this country agreed with removing a sitting officeholder from office, namely, a Governor, prior to a conviction. However, it was allowed for in the constitution. You saw no one in the Federal Government, certainly not our President of this United States, who happens to come from Illinois, call out and say that this would somehow fly in the face of democracy or that some great injustice had occurred.

A few years earlier, in the same decade, the citizens of California decided that their Governor was dilatory in his duties and that their Governor, who was duly elected, who had not been convicted of any crime, and who had not gone to trial for any malfeasance, should be removed from office. However, their constitution required that his removal be done by a different process—through voter referendum and through a recall provision.

Now, the reason I point this out is that we have 50 States in the Union, and every State has a different constitution. Every State has a different process. Each process is different, and each process is unique. What is important is not that each process is the same but that the rule of law is upheld.

I would argue, Madam Speaker, that the same is true in Honduras. The Honduran people have a different Constitution. However, based on the findings of this law review and based on the findings of many legal experts, what occurred there up until the point of Mr. Zelaya's expulsion was in keeping with the Honduran Constitution.

What is important in moving forward is not necessarily whether or not Mr. Zelaya is held in the Brazilian Embassy or whether he is brought to trial or whether he gets amnesty or whatever. What is important is that we continue to promote democracy and that we continue to promote free and fair elections around the world, specifically in Honduras.

I can't help but think that, as we start to celebrate the elections that are upcoming in Afghanistan, which will take place in less than 2 weeks and where men and women from our Armed Forces have fought and died, much the similar in Iraq, we would look to a friend of the United States for over 30 years, a democracy in Central America, and say to them, You know what? Because of this issue with the removal of your president, we're not going to uphold democracy in your country. We're not going to seek free and fair elections in your country.

□ 2340

It seems preposterous, and so I really, tonight, am asking the State Department, show us your plan. What is the end game for Honduras? What is the end game for democracy in that region?

My friends who join me here tonight, we only see one solution to continuing to promote democracy in that region, and it's free and fair and open elections

in Honduras. Six candidates were nominated by their parties in May. Six candidates have campaigned for this position for nearly a year, and six candidates will be the options for the Honduran people to vote on on November 29.

Whomever the Honduran people vote for, the candidates for office we met with made it very clear they will support the outcome of the election. The interim President Micheletti made it very clear upon those elections he looks forward to surrendering the power to the incoming President and going back to his duties in the Congress.

The end of the game that I see is we need to be pushing for free and fair elections. We need to be pushing for the rule of law and democracy in Honduras and making sure that the will of the Honduran people is respected on November 29. We, as the United States of America, promoters of freedom around the world, send election observers, send the resources and the support necessary to ensure that free and fair elections occur on November 29 in Honduras.

Mr. MARIO DIAZ-BALART of Florida. I think you were very clear in illustrating exactly what did take place. You mentioned what is the end game, what is the solution? What is it that we should all strive for? It's elections. That solves the issue. Those elections are going to take place on November 29. That is a solution we should be applauding. We should be supporting those elections. Unfortunately, this administration is trying to do everything in its power to try to stop those elections from taking place.

Now, frankly, one of the people I most admire in this process who has done so much to help push for elections, particularly where they have not been able to do so for generations, who was an advocate of freedom around the world, I am anxious to hear, Mr. BURTON, what you have to say, because nobody knows and has fought for elections around the globe like you have. It's a privilege to have you here.

Mr. BURTON of Indiana. I thank the gentleman for yielding. Hopefully, in the not so distant future, we will see fair elections in your former native land of Cuba.

With that, let me just say I have heard in my years here in the Congress a lot of very thorough and eloquent expressions of concern about what's going on in foreign policy and foreign lands, but the young gentleman from Illinois just covered about everything about as thoroughly as you possibly can.

The one thing that I think I might add is that there are those who say the elections should be postponed and that there are reasons for that. But, according to what I have been able to learn from our research is that the Supreme Court of Honduras rendered a decision after careful study, and they said that what was done was constitutional, it was within the law, and they upheld that decision, and they have said that the elections should go forth, and they are now in control of the election process, and I believe that it should go forth.

For the United States of America and our State Department and our very young and new President, whom I feel probably does not have the expertise that he requires to make these kinds of decisions, although I am sure that he would like to see his position supported, I think that we should support the Honduran people, support a free and fair election, and let our State Department know that the Members of the Congress here in Congress feel very strongly that they have made a miscalculation and a misdiagnosis of what the situation is or should be down in Honduras.

They should change their mind and come back and support the constitutional elective process in Honduras and let the elections go forth with our support. The United States of America should support the free election process in Honduras and our State Department should share that view, and that's why tonight you have a number of Congressmen here on the floor of the House who are saying to the administration and to the State Department, You have made a mistake.

As the young gentleman from Illinois said, this has been researched very thoroughly by our legal authorities and experts here in the Congress of the United States, and they have concluded that the only thing that was done that was not correct was forcing the former President out of the country. But it did not say anything that we would contradict the decision that was made by the administration that showed that there was some unconstitutional things done and supported by the previous President. The Supreme Court has rendered that decision and they said the election should go forth, and we should support that decision.

If I were talking to our Secretary of State, Hillary Rodham Clinton, or the President, I would say that the administration and the State Department should support that position.

I really appreciate you and your brother and the rest of the people that are here on the floor tonight, I really appreciate you staying so late. It's a quarter till 12. The people of this country, who I hope might be paying attention, will realize we feel this is extremely important for stability in our hemisphere, in our front yard, and we feel very strongly that the administration and the State Department should review this and come out in very strong support of the elective process which should be taking place very shortly.

Mr. MARIO DIAZ-BALART of Florida. I want to thank you for those words.

And, again, what we keep talking about is that there is a solution. There is a very simple solution. There's a very simple answer to this crisis, and that's the answer and the solution that men and women for generations, American men and women for generations have given their lives for, and that's for the ability of people to elect their leaders, for free and clear multiparty elections.

There are people that are in that process already, a process that has been going on for over a year, a process that has not been interrupted. How we cannot support that process is, frankly, beyond me.

I don't know. Maybe the gentleman from Michigan (Mr. MCCOTTER), who is one of the keen intellects in this body, can have some explanation as to how elections are not, all of a sudden, the answer, why the Honduran people should not have the right to elect their next President.

It is a privilege to have you, sir. I recognize Mr. MCCOTTER.

Mr. MCCOTTER. I thank the gentleman. I know we are heading toward the witching hour, so I will try to put some remarks in a very succinct fashion.

First, I would like to point out some of the principles which undergird our position in support of the Honduran people. One is that we, as Americans, understand our self-evident right to liberty is from God, not the government, and no tyrant nor terrorist can interfere with it. We also understand, as Americans, that our security is from strength, not surrender, and that our greatest strength is the expansion of liberty to others to ensure freedom for ourselves.

We also understand, as is painfully evident with Honduras, that the United States and all free people are targets of tyrants and terrorists, not because of our actions, but because of our existence. The existence of free people, the rule of law, the pursuit of one's happiness in accordance with one's inalienable rights is a threat to all tyrants and despots throughout the world, for their thrones are unstable in the presence of free people and oppressed people who are inspired by such examples.

With the Honduras situation, we see crystal clear that the United States, in many ways in our foreign affairs, has gotten away from these foreign principles and the concepts. The danger, not only to our allies like Honduras, is great.

I pose one example. Can this administration, for the edification of individuals like myself who may not grasp the intricacies and the genius of their foreign policy, explain one thing. What is the difference between women being shot in the streets of Iran for trying to be free and the difference between a constitutional democracy in Honduras following the rule of law to protect itself from a would-be tyrant?

This administration said these situations are distinguishable, because in the instance of the Iranians' murderous regime, that is an internal affair for the Iranian people; yet, when the free

people of Honduras through the rule of law in defense of their constitutional democracy exercised their means of self-defense, we are told that that is of the utmost interest to the United States and we must demand an outcome in accordance with our will and the will of the OAS, which now includes Mr. Fidel Castro, no fan of elections.

□ 2340

Can you tell me why the freedom of the Iranian people is to be left in the hands of their murderers and why the freedom of the Honduran people is to be taken from theirs and put in the hands of butchers like Fidel Castro and others such as Chavez? I eagerly await a response, although I do not know that I will find it edifying, let alone satisfactory. I yield back.

Mr. MARIO DIAZ-BALART of Florida. I thank the gentleman. And also coming with us tonight is a person who also has a distinguished and effective record of fighting for human rights and freedom around the globe, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Well, I want to thank you for calling this Special Order, convoking it and focusing in on this very important, really critical subject. Winston Churchill talked about the fact that facts are better than dreams. There are facts with regard to the crisis in Honduras. The people of Honduras acted constitutionally. Their institutions acted constitutionally in removing a President who was acting unconstitutionally, and they removed him. The institutions, the democratic institutions of Honduras removed a President who had been acting unconstitutionally on June 28. Those are facts.

The Obama administration is wrong when, in this case, it sides with Chavez and Castro, Ortega, Correa, the other anti-democratic elements in this hemisphere who are pressuring for the imposition of the President who had violated the Constitution in Honduras for his return, his forceful return, unconstitutionally to power. The Obama administration is wrong. That's a fact.

Now, there's another fact that is of importance, and that is we saw a number of Members of Congress here almost at midnight, because of the importance of this issue, tell the American people that after thorough study, they have come to the conclusion that the Obama administration is wrong and that the Honduran people acted appropriately. It's a fact that there is a growing number of Members of Congress who are becoming involved, educated and are expressing themselves with regard to this issue. That's a fact that the Obama administration needs to take into consideration, because as was mentioned before, even if the situation were different, and even if the Hondurans had acted unconstitutionally in removing President Zelaya from power, the solution to the crisis should be evident to all: free and fair elections, especially when the candidates were chosen before the crisis began by all of the political parties.

So what is most not only incorrect, but almost inconceivable, Madam Speaker, is that the Obama administration is not only wrong with regard to what happened in Honduras, is not only wrong with regard to whom it is siding with and whom it is siding against, but that even if the administration were not wrong with regard to what has happened, the evident solution being the elections of November 29, are not being supported by the Obama administration, but the Obama administration is saying that they will not recognize the will of the Honduran people as expressed on November 29.

That is inconceivable—beyond wrong. That is inconceivable, Madam Speaker.

So, facts: Congress is aware of how wrong the administration is. Congress is aware that the Honduran people are proceeding with an election on November 29. The reason that the majority leadership is not bringing to the floor of this House a resolution to express support for the elections, the resolution was filed by Ms. ROS-LEHTINEN and others, expressing support for the elections that are going to be held November 29, the reason the majority leadership does not bring that resolution to the floor is because it would win a majority vote, because the fact is a growing number of Members of Congress, I maintain by now a majority of this House, are aware of the gross unfairness with which that small nation is being treated by this administration.

So I think it's important for the administration, Madam Speaker, to take note, tonight, almost at midnight, that Honduras, despite the pressure, despite the fact that it's a small country, is moving forward with elections. Those elections deserve not only support and respect, but commendation. And further efforts to deny the Honduran people their right of self-determination, their right to express themselves freely by secret ballot on November 29 is wrong.

That's a fact.

More and more people in this Congress are learning the facts. And I hope, Madam Speaker, that the administration takes note and reverses itself, backs off from not supporting elections, from not supporting free determination and, rather, supports the Honduran people.

I thank you, Congressman MARIO DIAZ-BALART, for focusing attention, for your leadership role on this critical issue. Not only do the people of Honduras deserve it, but the hemisphere requires the further attention of the American people to this critical issue. Thank you very much.

Mr. MARIO DIAZ-BALART of Florida. I want to thank the gentleman from Florida for really summing it up so well that, yes, regardless of what may have happened, the solution is there, it's evident. It's the elections that are coming up.

The American people need to understand, need to know that this administration, unfortunately, is siding, siding, is on the side, is siding with Hugo Chavez and Fidel Castro in trying to stop the democracy, the democratic process, the elections that are about to take place in Honduras. They need to know that.

This administration needs to understand that history will judge this administration if it does not reverse itself and sides with the people of Honduras, with their election, with their freedom. And also the Honduran people need to understand that we have great admiration for them, that we respect their process, their Constitution, and we commend them for going forward with their elections, their free, democratic, multi-party elections.

Thank you, Madam Speaker, and with that, I will yield back the remaining part of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today and tomorrow.

Mrs. BIGGERT (at the request of Mr. BOEHNER) for today after 4:30 p.m. and for the balance of the week on account of personal business.

Mr. BUYER (at the request of Mr. BOEHNER) for today after 12:30 p.m. and for the balance of the week on account of illness.

Mr. DREIER (at the request of Mr. BOEHNER) for today after 3:15 p.m. through Monday, October 26, on account of events in the district.

Mr. GOHMERT (at the request of Mr. BOEHNER) for today on account of attending a funeral.

Mr. HINOJOSA (at the request of Mr. HOYER) for today and the balance of the week.

Mr. WALDEN (at the request of Mr. BOEHNER) for today and the balance of the week on account of illness.

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. POLIS) to revise and extend their remarks and include extraneous material:)

Mr. KAGEN, for 5 minutes, today.

Mr. WEINER, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. DEAL of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, October 29.

Mr. JONES, for 5 minutes, October 29.

Ms. ROS-LEHTINEN, for 5 minutes, October 23.

Mr. BURTON of Indiana, for 5 minutes, October 29.

Mr. GOHMERT, for 5 minutes, October 26, 27, 28 and 29.

Mr. INGLIS, for 5 minutes, October 26.

Mr. WESTMORELAND, for 5 minutes, today.

Mr. PAULSEN, for 5 minutes, October 23.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1793. To amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

ADJOURNMENT

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Friday, October 23, 2009, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4222. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's ''Major'' final rule — Internal Control Over Financial Reporting In Exchange Act Periodic Reports of Non-Accelerated Filers (RIN: 3235-AK48) received October 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4223. A letter from the Acting Assistant Secretary Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Special Regulations; Areas of the National Park System (RIN: 1024-AD79) received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4224. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hood Canal Bridge Cable Laying Operation, Hood Canal, WA [Docket No.: USCG-2009-0496] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4225. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine River, Orange, TX [Docket No.: USCG-2009-0359] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4226. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Security and Safety Zone; Cruise Ship Protection, Elliott Bay and Pier-91, Seattle, Washington [Docket No.: USCG-2009-0331] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4227. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; IJSBA World Finals, Lower Colorado River, Lake Havasu, AZ [Docket No.: USCG-2009-0194] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4228. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Mattaponi River, Wakema, VA [Docket No.: USCG-2009-0460] (RIN: 1625-AA08) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4229. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG-2009-0789] (RIN: 1625-AA11) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4230. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG-2009-0767] (RIN: 1625-AA11) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4231. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Calcasieu River, Hackberry, LA [Docket No.: USCG-2009-0317] (RIN: 1625-AA87) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4232. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Fireworks displays within the Captain of the Port Puget Sound Zone [Docket No.: USCG-2009-0752] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4233. A letter from the Senior Import Policy Analyst, Import Administration, Department of Commerce, transmitting the Department's final rule — Changes in Procedures for Florence Agreement Program [Docket No.: 080102004-9266-02; FDMS Docket No. ITA-2009-0002] (RIN: 0625-AA75) received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4234. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Part A Premium for Calendar Year 2010 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement (RIN: 0938-AP43) received October 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4235. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for Calendar Year 2010 [CMS-8037-N] (RIN: 0938-AP42) received October 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4236. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2010 [CMS-8039-N] (RIN: 0938-AP48) received October 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

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. KRATOVIL:

H.R. 3898. A bill to amend the Internal Revenue Code of 1986 to extend the temporary increase in limitations on expensing of certain depreciable business assets; to the Committee on Ways and Means.

By Mr. OLSON:

H.R. 3899. A bill to extend temporarily the duty on 1,3-bis(4-aminophenoxy)benzene (RODA); to the Committee on Ways and Means.

By Mr. OLSON:

H.R. 3900. A bill to extend temporarily the duty suspension on 4,4'-Oxydiphthalic anhydride (ODPA); to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mr. BOUSTANY, Mr. PASCRELL, Mr. CROWLEY, and Ms. TITUS):

H.R. 3901. A bill to amend the Internal Revenue Code of 1986 to enhance the administration of, and reduce fraud related to, the first-time homebuyer tax credit, and for other purposes; to the Committee on Ways and Means.

By Mr. HELLER:

H.R. 3902. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit and to eliminate the first-time homebuyer requirement and increase the adjusted gross income limitations with respect to such credit, and for other purposes; to the Committee on Ways and Means.

By Mr. REHBERG:

H.R. 3903. A bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion of interest from the gross income of individuals, to increase retirement plan contribution limitations, and to temporarily suspend minimum distribution requirements for certain defined contribution plans; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. FRANK of Massachusetts, Ms. WATERS, Mr. MAFFEI, Mr. MILLER of North Carolina, Mr. HINOJOSA, Ms. MOORE of Wisconsin, Mr. HODES, Mr. CAPUANO, Mr. ACKERMAN, Mr. KANJORSKI, Mr. ELLISON, Mr. GUTIERREZ, Ms. SPEIER, Ms. ESHOO, and Mr. JONES):

H.R. 3904. A bill to amend the Truth in Lending Act to establish fair and transparent practices related to the marketing and provision of overdraft coverage programs at depository institutions, and for other purposes; to the Committee on Financial Services.

By Ms. BERKLEY (for herself, Mr. BRADY of Texas, Mr. DAVIS of Alabama, and Mr. NUNES):

H.R. 3905. A bill to amend the Internal Revenue Code of 1986 to repeal the 1-year termination of the estate tax, to increase the estate and gift tax unified credit, and to coordinate a reduction in the maximum rate of tax with a phaseout of the deduction for State death taxes; to the Committee on Ways and Means.

By Mr. TEAGUE:

H.R. 3906. A bill to amend title 38, United States Code, to authorize appropriations for the Department of Veterans Affairs program to provide financial assistance for supportive services for very low-income veteran families in permanent housing; to the Committee on Veterans' Affairs.

By Mr. DOYLE (for himself, Mr. SHERMAN, Ms. HIRONO, Mr. SMITH of New Jersey, Mrs. LOWEY, Ms. BERKLEY,

Ms. ROYBAL-ALLARD, Mr. SHULER, Mr. KENNEDY, Mr. ABERCROMBIE, Mr. MCCOTTER, Mr. BARTLETT, Mr. LATOURETTE, Mr. ACKERMAN, Mr. OLVER, Mrs. CAPPS, Mrs. MALONEY, Mr. LOBIONDO, Mr. RANGEL, Mr. CASTLE, Ms. TSONGAS, Ms. SHEA-PORTER, Mr. ROTHMAN of New Jersey, Mr. PASCRELL, Mr. NADLER of New York, Mr. BROWN of South Carolina, Ms. DELAURO, Mr. LEWIS of Georgia, Mr. MORAN of Virginia, Mr. GALLEGLY, and Mr. YOUNG of Florida):

H.R. 3907. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture.

By Mrs. HALVORSON:

H.R. 3908. A bill to amend the Internal Revenue Code of 1986 to provide the work opportunity tax credit with respect to a designated family member of a veteran with a service-connected disability if the veteran is unable to work; to the Committee on Ways and Means.

By Mrs. HALVORSON:

H.R. 3909. A bill to enhance the energy security of the United States by encouraging investments in renewable and alternative energy and to authorize appropriations for research in and development of fungible biofuels; to the Committee on Ways and Means, and in addition to the Committee on Science and Technology, 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. LARSEN of Washington (for himself, Mr. YOUNG of Alaska, and Mr. HASTINGS of Washington):

H.R. 3910. A bill to authorize a single fisheries cooperative for the Bering Sea Aleutian Islands longline catcher processor subsector, and for other purposes; to the Committee on Natural Resources.

By Mrs. MALONEY (for herself and Mrs. CAPITO):

H.R. 3911. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for qualified individuals for bone mass measurement (bone density testing) to prevent fractures associated with osteoporosis; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, 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. MILLER of North Carolina (for himself, Mr. WATT, Mr. PRICE of North Carolina, Mr. MCINTYRE, Mr. COBLE, Mr. ETHERIDGE, Mr. KISSELL, Mr. SHULER, Mr. BUTTERFIELD, and Mr. JONES):

H.R. 3912. A bill to require the Secretary of the Treasury to mint coins in commemoration of the opening of the International Civil Rights Center and Museum; to the Committee on Financial Services.

By Ms. NORTON:

H.R. 3913. A bill to direct the Mayor of the District of Columbia to establish a District of Columbia National Guard Educational Assistance Program to encourage the enlistment and retention of persons in the District of Columbia National Guard by providing financial assistance to enable members of the National Guard of the District of Columbia to attend undergraduate, vocational, or technical courses; to the Committee on Oversight and Government Reform.

By Mr. SALAZAR:

H.R. 3914. A bill to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, and for other purposes; to the Committee on Natural Resources.

By Mr. SCHOCK:

H.R. 3915. A bill to extend the temporary suspension of duty on phenyl (4,6-dimethoxypyrimidin-2-yl) carbamate; to the Committee on Ways and Means.

By Ms. SCHWARTZ (for herself and Mr. DOYLE):

H.R. 3916. A bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the section 45 credit for refined coal from steel industry fuel, and for other purposes; to the Committee on Ways and Means.

By Mr. STUPAK (for himself and Mr. PITTS):

H.R. 3917. A bill to amend title XVIII of the Social Security Act to modernize and improve the Medicare payment methodology for radiopharmaceuticals under the hospital outpatient prospective payment system and to ensure equitable payment and patient access to certain low volume, high cost radiopharmaceuticals; 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. THOMPSON of California (for himself, Mr. HERGER, Mr. POMEROY, Mr. LARSON of Connecticut, Mr. MICHAUD, and Ms. PINGREE of Maine):

H.R. 3918. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for qualified distributed thermal energy storage property, and for other purposes; to the Committee on Ways and Means.

By Mr. BOUSTANY (for himself and Mr. KIND):

H. Con. Res. 202. Concurrent resolution celebrating the goals and ideals of 20th anniversary of The Society of Thoracic Surgeons National Database; to the Committee on Energy and Commerce.

By Mr. GINGREY of Georgia (for himself, Mr. LEWIS of Georgia, Mr. DEAL of Georgia, Mr. BISHOP of Georgia, Mr. LINDER, Mr. KINGSTON, Mr. SCOTT of Georgia, Mr. WESTMORELAND, Mr. PRICE of Georgia, Mr. MARSHALL, Mr. BARROW, Mr. JOHNSON of Georgia, and Mr. BROUN of Georgia):

H. Con. Res. 203. Concurrent resolution honoring the life and work of Furman Bisher; to the Committee on Oversight and Government Reform.

By Mr. HINCHEY (for himself, Mr. ROHRABACHER, Mr. CANTOR, Mr. COBLE, Mr. JONES, Mr. ROYCE, and Mr. SOUDER):

H. Con. Res. 204. Concurrent resolution expressing continued support for employee stock ownership plans; to the Committee on Education and Labor.

By Mr. BISHOP of Utah:

H. Res. 854. A resolution recognizing Weber State University for the 120th anniversary of its founding as an institution of higher education; to the Committee on Education and Labor.

By Mr. BLUNT (for himself, Mr. SKELTON, Mr. CLAY, Mr. AKIN, Mrs. EMERSON, Mr. LUETKEMEYER, Mr. GRAVES, Mr. CARNAHAN, Mr. CLEAVER, and Mr. BARTLETT):

H. Res. 855. A resolution expressing support for designation of May 1 as ''Silver Star Service Banner Day''; to the Committee on Oversight and Government Reform.

By Mr. NADLER of New York (for himself, Mr. ACKERMAN, Mr. ARCURI, Mr. BARTLETT, Mr. BISHOP of New York, Ms. CLARKE, Mr. COOPER, Mr. COURTNEY, Mr. CROWLEY, Mr. ELLSWORTH, Mr. ENGEL, Mr. FORBES, Mr. HALL of New York, Mr. HIGGINS, Mr. HINCHEY, Mr. ISRAEL, Mr. JONES, Mr. KING of New York, Mr. LEE of New York, Mrs. LOWEY, Mr. MAFFEI, Mrs. MALONEY, Mr. MASSA, Mrs. MCCARTHY of New York, Mr. MCMAHON, Mr. MEEKS of New York, Mr. MURPHY of New York, Mr. ORTIZ, Mr. RANGEL, Mr. ROONEY, Mr. SERRANO, Ms. SLAUGHTER, Mr. TAYLOR, Mr. TONKO, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. WEINER, Mr. WITTMAN, Mr. WILSON of South Carolina, and Mr. HUNTER):

H. Res. 856. A resolution recognizing the Commissioning of the USS New York LPD 21; to the Committee on Armed Services.

By Mr. MCGOVERN:

H. Res. 857. A resolution expressing support for designation of the week of October 25, 2009, through October 31, 2009, as American Pharmacy Educator Week; to the Committee on Oversight and Government Reform.

By Mr. ENGEL (for himself, Mr. MACK, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. MEEKS of New York, Mr. BURTON of Indiana, Mr. SIRES, Mr. PAYNE, Mr. WEXLER, Mr. MEEK of Florida, Mr. MCGOVERN, Mr. FARR, Mr. HONDA, Mr. MORAN of Virginia, Mr. PIERLUISI, Mr. HINOJOSA, and Mr. SALAZAR):

H. Res. 858. A resolution congratulating the Inter-American Foundation (IAF) on its 40th anniversary and recognizing its significant accomplishments and contributions; to the Committee on Foreign Affairs.

By Mr. PAYNE:

H. Res. 859. A resolution expressing strong support for lasting peace, democracy, and economic recovery in Somalia; to the Committee on Foreign Affairs.

By Mr. QUIGLEY (for himself, Mr. LIPINSKI, and Mr. JACKSON of Illinois):

H. Res. 860. A resolution supporting the initiatives of Chicago Wilderness and the Children's Outdoor Bill of Rights; to the Committee on Education and Labor.

By Mr. ROONEY:

H. Res. 861. A resolution supporting the goals and ideals of National Military Family Month; to the Committee on Armed Services.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

199. The SPEAKER presented a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 55 memorializing the United States Congress to appropriate funds specifically for the storm-proofing of interior pump stations in the parishes of St. Bernard and Plaquemines; to the Committee on Appropriations.

200. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Joint Resolution 12 urging the United States Congress to continue the development, operation, and maintenance of the Ground-based Midcourse Defense System; to the Committee on Armed Services.

201. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to a resolution memorializing the Congress of the United States to recognize the benefits of health information technology; to the Committee on Energy and Commerce.

202. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 254 memorializing the President and the Congress of the United States to work with the people of Illinois to guarantee quality, affordable healthcare for everyone in the state and the country; to the Committee on Energy and Commerce.

203. Also, a memorial of the General Assembly of the State of Louisiana, relative to House Concurrent Resolution No. 116 memorializing the United States Congress to require that satellite television providers broadcast local television stations; to the Committee on Energy and Commerce.

204. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Joint Resolution 25 urging the United States Congress to classify hydroelectric power as a renewable and alternative energy source; to the Committee on Energy and Commerce.

205. Also, a memorial of the Senate of the State of Alaska, relative to Senate Joint Resolution 16 urging the Congress of the United States to provide a means for consistently sharing, on an ongoing basis, revenue generated from oil and gas developement on the outer continental shelf with all energy-producing states; to the Committee on Natural Resources.

206. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Joint Resolution 7 urging the Congress of the United States to open the coastal plain of the Arctic National Wildlife Refuge to oil and gas exploration, development and production; to the Committee on Natural Resources.

207. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Joint Resolution 18 urging the Congress of the United States to preserve Alaska's right to enact a law providing for the environmentally responsible exploration and development of oil and gas resources in the Arctic National Wildlife Refuge; to the Committee on Natural Resources.

208. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 17 affirming Michigan's sovereignty under the Tenth Amendment; to the Committee on the Judiciary.

209. Also, a memorial of the Senate of the State of Alaska, relative to Senate Joint Resolution 10 urging the Congress of the United States to adopt S. 371; to the Committee on the Judiciary.

210. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Joint Resolution 27 memorializing the Congress of the United States to recognize the state's sovereignty under the Tenth Amendment; to the Committee on the Judiciary.

211. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Joint Resolution 17 urging the United States Congress to reject H.R. 45; to the Committee on the Judiciary.

212. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 47 memorializing the United States Congress to maintain the current incentives for the exploration and production of domestic oil and natural gas; to the Committee on Ways and Means.

213. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 73 memorializing the President of the United States and the United States Congress to declassify intelligence information regarding Guantanamo Bay detention camp detainees and provide it to the Governor and Michigan State Legislature; to the Committee on Intelligence (Permanent Select).

214. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 205 memorializing the Congress of the United States to repeal the National Saltwater Angler Registry; to the Committee on Natural Resources.

215. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 6 memorializing the President and the Congress of the United States, and the Department of Homeland Security to change requirements, agreements, and memorandums of understanding relating to the creation of Enhanced Drivers Licenses; to the Committee on Homeland Security.

216. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Joint Resolution 10 urging the United States Congress to encourage the Veterans Health Administration to improve its electronic claims filing process and its ability to use information contained in military records; jointly to the Committees on Veterans' Affairs and Energy and Commerce.

217. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 77 memorializing the Congress of the United States to oppose the implementation of a cap and trade program; jointly to the Committees on Energy and Commerce, Foreign Affairs, Education and Labor, Science and Technology, Transportation and Infrastructure, Natural Resources, Agriculture, Ways and Means, and Financial Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. ARCURI and Mr. FATTAH.
H.R. 32: Mr. BLUMENAUER.
H.R. 43: Mr. HARE, Mr. DELAHUNT, Mr. SCHIFF, Mr. JACKSON of Illinois, and Mr. LOEBSACK.
H.R. 176: Mr. SABLAN.
H.R. 204: Ms. RICHARDSON.
H.R. 208: Mr. MCCOTTER.
H.R. 213: Mr. BISHOP of Utah.
H.R. 294: Mr. MCCOTTER.
H.R. 391: Mr. BOREN.
H.R. 613: Ms. MARKEY of Colorado.
H.R. 615: Mr. FRANK of Massachusetts.
H.R. 635: Mr. CONYERS.
H.R. 644: Mr. ISRAEL.
H.R. 658: Mrs. MALONEY.
H.R. 678: Ms. SHEA-PORTER and Mr. BERMAN.
H.R. 690: Mr. RYAN of Wisconsin and Ms. WATSON.
H.R. 704: Mr. WESTMORELAND.
H.R. 734: Mr. COBLE, Ms. TSONGAS, and Mr. FORBES.
H.R. 767: Mr. MEEKS of New York.
H.R. 836: Mr. BARROW.
H.R. 840: Ms. JACKSON-LEE of Texas.
H.R. 847: Mr. CARNEY.
H.R. 995: Ms. RICHARDSON.
H.R. 1079: Mr. LOEBSACK and Mr. BRALEY of Iowa.
H.R. 1094: Mr. WOLF.
H.R. 1132: Mr. MILLER of Florida, Mr. JACKSON of Illinois, Mr. MCNERNEY, Mr. SALAZAR, and Mr. KAGEN.
H.R. 1137: Mr. ROTHMAN of New Jersey.
H.R. 1175: Mr. TAYLOR and Mr. KAGEN.
H.R. 1191: Mrs. CHRISTENSEN.
H.R. 1204: Ms. SLAUGHTER and Mr. GRIFFITH.
H.R. 1207: Mr. COHEN and Mr. HILL.
H.R. 1215: Mr. RODRIGUEZ, Mr. SIRES, Mr. REYES, Mr. ORTIZ, Ms. Velázquez, Ms. LEE of California, Ms. LINDA T. SÁNCHEZ of California, Mr. GONZALEZ, Mr. COSTA, Mr. BACA, Mr. SALAZAR, Mr. GUTIERREZ, Mr. CARDOZA, and Mr. PIERLUISI.
H.R. 1250: Mr. MCDERMOTT.
H.R. 1255: Mr. FORBES.
H.R. 1308: Mr. RUSH.
H.R. 1346: Mr. SIRES.
H.R. 1351: Mr. WILSON of South Carolina, Mr. PRICE of Georgia, Mr. BROWN of South Carolina, and Mr. HARPER.
H.R. 1352: Mr. COURTNEY.
H.R. 1454: Mr. HINCHEY.
H.R. 1468: Mr. SAM JOHNSON of Texas.
H.R. 1521: Mr. GRIJALVA, Mr. MOLLOHAN, and Mr. ROHRABACHER.
H.R. 1549: Mr. ACKERMAN.
H.R. 1552: Mr. REHBERG.
H.R. 1558: Ms. DEGETTE.
H.R. 1625: Mr. LOBIONDO and Mrs. CAPITO.
H.R. 1691: Mr. FORBES.
H.R. 1721: Ms. TSONGAS.
H.R. 1829: Ms. FOXX.
H.R. 1836: Mr. ARCURI.
H.R. 1837: Mr. MEEKS of New York.
H.R. 1844: Mr. FARR and Ms. SCHAKOWSKY.
H.R. 1850: Mr. ROTHMAN of New Jersey.
H.R. 1855: Mr. MCNERNEY.
H.R. 1873: Mr. LARSON of Connecticut.
H.R. 1908: Mr. HOLDEN.
H.R. 1928: Mr. SPACE.
H.R. 1995: Mr. LANCE, Mr. HOLT, and Mr. KENNEDY.
H.R. 2017: Mr. TONKO.
H.R. 2024: Mr. GUTHRIE.
H.R. 2046: Mr. HINCHEY and Mr. STARK.
H.R. 2132: Mr. CONNOLLY of Virginia and Ms. LEE of California.
H.R. 2134: Mr. RUSH.
H.R. 2138: Mr. TONKO.
H.R. 2214: Ms. TSONGAS.
H.R. 2246: Ms. BEAN.
H.R. 2279: Mr. MEEK of Florida and Ms. RICHARDSON.
H.R. 2298: Mr. YOUNG of Alaska.
H.R. 2412: Ms. SPEIER.
H.R. 2425: Mr. LANCE, Mr. CHANDLER, and Mr. DELAHUNT.
H.R. 2460: Mr. SESTAK, Mr. BACA, Mr. PASTOR of Arizona, and Ms. SPEIER.
H.R. 2480: Mr. GUTIERREZ.
H.R. 2502: Mr. MELANCON, Mr. HASTINGS of Florida, Mr. ARCURI, Mr. PERLMUTTER, and Ms. CLARKE.
H.R. 2504: Mr. MICHAUD.
H.R. 2517: Mrs. NAPOLITANO.
H.R. 2548: Mr. TIERNEY.
H.R. 2559: Mr. MICHAUD.
H.R. 2573: Mr. TONKO.
H.R. 2578: Mr. BISHOP of Georgia.
H.R. 2584: Ms. LINDA T. SÁNCHEZ of California, Mr. HOLT, Mr. SESSIONS, and Mr. TERRY.
H.R. 2590: Ms. SCHAKOWSKY.
H.R. 2597: Mr. BERMAN.
H.R. 2628: Mr. COLE, Mr. BLUMENAUER, and Mr. SULLIVAN.
H.R. 2672: Mr. CARTER.
H.R. 2681: Mr. FARR.
H.R. 2733: Mr. ROONEY, Mr. PAULSEN, Mr. BUCHANAN, Mr. RUPPERSBERGER, Mr. SCOTT of Georgia, and Mr. TIAHRT.
H.R. 2737: Mr. AL GREEN of Texas, Mr. MCCAUL, Mr. BARRETT of South Carolina, Mr. ROGERS of Alabama, Mr. TIBERI, Mrs. MCMORRIS RODGERS, Mr. WAMP, and Mr. DRIEHAUS.
H.R. 2743: Mr. STUPAK, Mr. OBERSTAR, and Mr. LEWIS of California.
H.R. 2785: Mr. FORBES.
H.R. 2807: Mr. MCGOVERN.
H.R. 2866: Mr. BLUNT, Mr. MOORE of Kansas, Mr. HASTINGS of Florida, Mr. CLEAVER, and Mr. KENNEDY.
H.R. 2894: Ms. DELAURO.
H.R. 2906: Mr. MCNERNEY.
H.R. 2914: Mr. FLEMING and Mr. WESTMORELAND.
H.R. 3017: Mr. BOSWELL and Mr. FALEOMAVAEGA.
H.R. 3050: Mr. ETHERIDGE.
H.R. 3070: Mr. FRANKS of Arizona.
H.R. 3077: Mr. COHEN, Mr. CONYERS, Mr. BLUMENAUER, and Mr. KILDEE.
H.R. 3078: Mrs. CAPITO.
H.R. 3110: Mr. FRANKS of Arizona.
H.R. 3156: Mr. MCMAHON and Mr. RODRIGUEZ.
H.R. 3168: Mr. HODES and Mrs. BIGGERT.

H.R. 3217: Mr. GOODLATTE.
H.R. 3225: Mr. CLAY.
H.R. 3286: Mr. PASTOR of Arizona.
H.R. 3320: Mr. COHEN.
H.R. 3328: Ms. WATSON and Mr. GRAYSON.
H.R. 3335: Mr. ELLISON.
H.R. 3356: Mr. FRANKS of Arizona.
H.R. 3367: Mr. ETHERIDGE.
H.R. 3413: Mr. SHULER and Mr. ROGERS of Kentucky.
H.R. 3421: Mr. ROTHMAN of New Jersey, Mr. MCGOVERN, and Mr. PASTOR of Arizona.
H.R. 3429: Mr. GUTHRIE.
H.R. 3439: Mr. HILL, Mr. JOHNSON of Georgia, and Mr. CLAY.
H.R. 3467: Mr. HOLDEN, Ms. SUTTON, and Mrs. KIRKPATRICK of Arizona.
H.R. 3486: Mr. PASTOR of Arizona and Ms. PINGREE of Maine.
H.R. 3511: Mr. HARE, Mr. SIRES, Mr. YOUNG of Alaska, Mr. FALEOMAVAEGA, and Mr. GEORGE MILLER of California.
H.R. 3554: Mr. BOREN.
H.R. 3567: Mr. VAN HOLLEN and Mr. CONNOLLY of Virginia.
H.R. 3608: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3613: Mr. LATTA.
H.R. 3623: Mr. ROSS.
H.R. 3633: Mr. REYES.
H.R. 3639: Ms. KILROY.
H.R. 3650: Ms. WOOLSEY and Mrs. BONO MACK.
H.R. 3664: Mr. ALTMIRE and Mr. SIRES.
H.R. 3668: Mr. ISRAEL, Mr. PETERS, Mr. YOUNG of Alaska, Mr. MCGOVERN, Mr. LARSEN of Washington, Mr. TERRY, Mr. TIERNEY, Mr. SIMPSON, and Mr. WALZ.
H.R. 3688: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 3692: Mr. FATTAH.
H.R. 3693: Mr. MANZULLO.
H.R. 3695: Mr. WHITFIELD.
H.R. 3700: Mr. GOODLATTE and Mr. LATHAM.
H.R. 3705: Ms. SCHAKOWSKY, Mr. FILNER, Ms. HIRONO, Mr. CAPUANO, Ms. WOOLSEY, Mr. BERMAN, Mr. BACA, Ms. EDWARDS of Maryland, Mr. REYES, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. CARSON of Indiana, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, and Mr. MEEK of Florida.
H.R. 3712: Mr. BUYER.
H.R. 3715: Mr. JOHNSON of Georgia.
H.R. 3721: Mr. TIERNEY.
H.R. 3725: Mr. KIRK.
H.R. 3731: Mr. EHLERS.
H.R. 3734: Mr. DONNELLY of Indiana, Mr. PASTOR of Arizona, Mr. PALLONE, Mr. PERLMUTTER, Mrs. BLACKBURN, Mr. HASTINGS of Florida, Mr. MEEKS of New York, Mr. HALL of New York, Mr. KUCINICH, Mr. ANDREWS, Mr. CUELLAR, Mr. ACKERMAN, Ms. BALDWIN, Mr. JOHNSON of Georgia, Ms. SUTTON, Mr. SESTAK, Mr. LOBIONDO, Mr. WEXLER, and Ms. TSONGAS.
H.R. 3749: Mr. SCALISE and Mr. ALTMIRE.
H.R. 3752: Mr. MASSA.
H.R. 3786: Mr. LEWIS of Georgia and Mr. DEFAZIO.
H.R. 3787: Mr. SPACE.
H.R. 3789: Mr. BOOZMAN and Mr. BOREN.
H.R. 3790: Mr. KISSELL, Mr. LOEBSACK, Mr. PERRIELLO, and Mr. MCINTYRE.
H.R. 3799: Ms. JACKSON-LEE of Texas.
H.R. 3802: Mr. HOEKSTRA.
H.R. 3803: Mr. ROGERS of Michigan.
H.R. 3810: Mr. WEXLER.
H.R. 3813: Mr. PLATTS.
H.R. 3827: Ms. LINDA T. SÁNCHEZ of California, Mr. FATTAH, Mr. HASTINGS of Florida, Mr. LEWIS of Georgia, and Mr. WEXLER.
H.R. 3838: Ms. DELAURO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BRALEY of Iowa, and Ms. SUTTON.
H.R. 3854: Ms. CLARKE and Mr. SKELTON.
H.R. 3855: Ms. WATSON, Mr. SERRANO, Ms. CHU, Mr. ACKERMAN, Mr. HONDA, Mr. LYNCH, Mr. MEEKS of New York, Mr. WATT, and Mr. BECERRA.
H.R. 3885: Mr. MICHAUD.
H.R. 3887: Mr. CASSIDY.
H.J. Res. 11: Mr. GINGREY of Georgia, Mr. TURNER, and Mr. HOEKSTRA.
H.J. Res. 42: Mr. UPTON and Mr. LATHAM.
H. Con. Res. 42: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. WATSON.
H. Con. Res. 43: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. WATSON.
H. Con. Res. 128: Mr. LEWIS of Georgia, Mr. CAPUANO, Mr. ELLISON, and Mr. JACKSON of Illinois.
H. Con. Res. 160: Mr. MCCOTTER, Mr. CARSON of Indiana, and Mr. KISSELL.
H. Res. 89: Mr. GRIJALVA, Mr. RYAN of Ohio, Mr. TOWNS, Mr. FATTAH, Mrs. MCCARTHY of New York, Mr. RANGEL, Mrs. DAHLKEMPER, Mr. SCALISE, and Mr. LAMBORN.
H. Res. 185: Mr. FORBES and Ms. BORDALLO.
H. Res. 458: Mr. ISRAEL.
H. Res. 542: Mr. POSEY.
H. Res. 554: Mr. BROUN of Georgia, Mr. CANTOR, Mr. SMITH of Nebraska, Mr. NUNES, Mr. LINDER, Mrs. EMERSON, Mrs. CAPITO, Mr. LATTA, Mr. BISHOP of Georgia, Mr. SHUSTER, Mr. DANIEL E. LUNGREN of California, Mr. CALVERT, Mr. FRELINGHUYSEN, Mr. LEWIS of California, Mr. MCCLINTOCK, Mr. PERRIELLO, Mr. CAMP, Mr. CASTLE, Mr. POE of Texas, Mr. HASTINGS of Washington, and Mr. PRICE of Georgia.
H. Res. 656: Mr. FORBES.
H. Res. 666: Mr. DAVIS of Illinois.
H. Res. 700: Ms. LINDA T. SÁNCHEZ of California.
H. Res. 704: Ms. ROS-LEHTINEN.
H. Res. 716: Mr. MARKEY of Massachusetts.
H. Res. 736: Mr. TIM MURPHY of Pennsylvania.
H. Res. 749: Mrs. SCHMIDT.
H. Res. 763: Mr. SMITH of New Jersey.
H. Res. 773: Mr. KINGSTON, Mr. BOREN, and Mr. ROSS.
H. Res. 787: Mr. SIRES.
H. Res. 796: Mr. WESTMORELand.
H. Res. 801: Mr. CAPUANO.
H. Res. 819: Mr. ROONEY.
H. Res. 828: Mr. ADERHOLT.
H. Res. 831: Mr. BOOZMAN, Mr. EHLERS, Mr. COOPER, and Mr. JACKSON of Illinois.
H. Res. 835: Mrs. BACHMANN, Mr. HELLER, and Mr. KING of New York.
H. Res. 838: Mr. CANTOR, Mrs. MILLER of Michigan, Mr. MARIO DIAZ-BALART of Florida, Ms. CLARKE, Mr. CARNEY, Mr. SMITH of New Jersey, Mr. PUTNAM, Mr. CAO, Mr. YOUNG of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. LOBIONDO, Mr. WOLF, Mr. ALTMIRE, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. ISSA, Mr. MILLER of Florida, Mr. BUCHANAN, Mr. WAMP, Mr. POSEY, Mr. MITCHELL, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Mr. SIRES, Mr. TIM MURPHY of Pennsylvania, and Ms. KOSMAS.
H. Res. 840: Mr. HOEKSTRA and Mr. FORBES.
H. Res. 845: Mr. SMITH of Texas, Mr. RODRIGUEZ, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. CARTER, Mr. THORNBERRY, Mr. HENSARLING, Mr. CULBERSON, Mr. BURGESS, Ms. GRANGER, Mr. CONAWAY, Mr. MARCHANT, Mr. PAUL, Mr. BRADY of Texas, Mr. POE of Texas, Mr. OLSON, and Mr. BARTON of Texas.
H. Res. 847: Ms. JENKINS, Mr. DAVIS of Kentucky, and Mr. CASSIDY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 704: Mr. DEAL of Georgia.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

72. The SPEAKER presented a petition of City and County of San Francisco, California, relative to petitioning the Congress of the United States to approve the three-year Ryan White HIV/AIDS Treatment Modernization Act Reauthorization; to the Committee on Energy and Commerce.

73. Also, a petition of Dos Palos — Oro Loma Joint Unified School District, California, relative to petioning the Congress of the United States relief from drought and regulatory decisions severely reducing the amount of state and federal water supply deliveries to Fresno/Merced County agriculture; to the Committee on Natural Resources.

74. Also, a petition of Wetzel County Chamber of Comerce, West Virginia, relative to petitioning Congress to intervene in the loss of jobs from the Bayer and Ormet Corporations and possible closing of the Ormet Corporation in Monroe County, Ohio; jointly to the Committees on Ways and Means, Financial Services, Energy and Commerce, Transportation and Infrastructure, and Education and Labor.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, OCTOBER 22, 2009 No. 154

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

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

Let us pray.

Lord, as we look at our history, we marvel at Your mercies. You have blessed our Nation with Your presence, repeatedly opening doors for new opportunities. You have delivered us from perils, setbacks, and dangers. Great is Your faithfulness.

Guide our lawmakers according to Your will. Give them humble hearts, emptied of presumptuous pride and motivated by a desire to please You. Make their spirits quarries out of which stones for new citadels of freedom and excellence may be fashioned. Reveal to them the means You would have them use to establish justice and peace. Lord, make this Nation the hope of all who suffer and the dread of all who would enslave the human spirit.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR 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. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 22, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR 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. Mr. President, following leader remarks, there will be a period of morning business for 1 hour. Senators will be permitted to speak for up to 10 minutes each. The majority will control the first 30 minutes, and the Republicans will control the final 30 minutes.

Following morning business, the Senate will resume consideration of the conference report to accompany H.R. 2647, the Department of Defense authorization bill. There will then be an hour for debate equally divided and controlled between Senators LEVIN and MCCAIN, the chairman and ranking member of that committee. Around 11:45 a.m., give or take a few minutes, the Senate will vote on the motion to invoke cloture on the conference report.

Last night, I filed cloture on the motion to proceed to H.R. 3548, the Unemployment Compensation Extension Act. That is so important to millions of people in America today. We have a lot of people out of work, and their unemployment benefits have run out. I hope we do not have to have a cloture vote in the morning. I would think it would be to everyone's interest to move forward on this legislation. I would like to do it, just get rid of the bill, finish that.

I have had conversations with my Republican colleagues, and they want some amendments. We have been pretty good this year being very open in the amendment process. There have been a couple snags once in a while that we ran into but not often. I see no reason why we cannot have a reasonable number of amendments on each side and complete the legislation today. If we do not, we are going to have to have that cloture vote tomorrow. If we have a cloture vote tomorrow, we likely will have a vote on other matters which I have the right to bring forward without notice—at least another matter. I hope that is not necessary. I know staff has been working to come up with a finite list of amendments. I hope that can be done very quickly.

People have the right to know what the schedule is, and I have done my best to outline what the schedule is going to be in the next 24 hours. I hope we can move toward some finality in that regard.

HEALTH CARE REFORM

Mr. REID. Mr. President, I also remind everyone that we are in the process of coming up with a bill we will send from the Senate to the Congressional Budget Office. It is so important that we move forward on this legislation. Health care is vitally important to this country.

Every Thursday when we are in session, Senator ENSIGN and I have a Welcome to Washington Breakfast, and it is very good. We have been doing this for 9 years. Today we had the Principal of the Year, from Frank Lamping Elementary School, grades 1 through 5. Principal of the Year—that is really significant. We have well more than

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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400,000 students in Nevada, and to think they selected that man as the Principal of the Year is quite an honor. The principal is Michael O'Dowd. We had a longtime retired judge with whom I practiced law in the same community for a number of years, Gerry Hardcastle.

But the reason I mention this, there was a man there who introduced me to his son—a good-looking young man. His father was there to tell me about a new treatment they have developed for congenital clubfoot. In years past, the only way to handle that situation was with surgery. Now they have a new method. He had his boy there. His boy plays basketball. His boy can do anything he wants. And they have done this with no surgery. They now have new treatment for this. It is not surgical. In other countries, people spend the rest of their lives with their feet upside down unless there is surgery, and it is so difficult to do. So that is why health care is important.

This is one minor example of how we are advancing in health care, and we have to make sure health care is affordable to the American people. Our health care costs are more than 2½ times that of Japan. Yet the health care is not as good here as in Japan.

I look forward to sending that bill on to the Congressional Budget Office. I had spoken to the Republican leader yesterday. We are going to make sure Senators have plenty of opportunity to look at this bill once we get it back. We are concerned about quality, not quantity—well, we are interested in quality, not how fast we can move this. We want to move it as quickly as we can, as expeditiously as we can, but we want to do it as well as we can. So I look forward to working with the Republican leader to have a good debate on this matter and have health care for all Americans.

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 of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

Mr. REID. Mr. President, I suggest the absence of a quorum and ask unanimous consent that our time for morning business not start until the quorum is called off.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

HEALTH CARE REFORM

Mr. BROWN. Mr. President, I appreciate sharing the floor with the senior Senator from Minnesota, Ms. KLOBUCHAR.

I come to the floor regularly and share letters from voters and constituents and citizens around my State, around Ohio, people from Kent and Warren and Mansfield and Zanesville and Chillicothe. We all get these letters. I know the Acting President pro tempore gets them from Arkansas and Senator KLOBUCHAR gets them from Minnesota—letters from people who generally, 2 years ago, a year ago, if you asked them, they would have said they were satisfied with their insurance, but then something happened: They had a child born with an illness and the insurance company cut them off because the child had a preexisting condition or someone got very sick, they thought they had good insurance, but the insurance company canceled them because the cost was so high for their illness. A lot of these letters also come from people who lost their job. They are 59, 60, 61 years old, and they pray to God they will be able to get through the next 3, 4, 5 years until they are Medicare eligible so they will have a strong government health care plan—Medicare—to insure them the rest of their lives, so they can get the kind of health care they, as American citizens, should be entitled to.

So let me share three or four letters, and then I will turn the floor over to Senator KLOBUCHAR.

Allison from Hamilton County, in southwest Ohio, the Cincinnati area, writes:

> In June, I was taken to the hospital for suspected Ruptured appendix. I was admitted and stayed for 24 hours. Currently, my hospital expenses are at $9000. Each day it seems like another bill comes to my home.
>
> Last year, I had a part time job while going to school full-time and earned $7000. I completed my coursework and began looking for full time work last month in this tough economy.
>
> I believe that the health care program being discussed will help families like mine.

Allison is exactly right. Think about this. This woman was in college. She was working. She is doing everything we ask in this country. She was in college full time. She was working a part-time job. She was working hard. She lost her insurance. She does not have insurance because of her age. So what is going to happen to her? She is going to face a workplace that is not very embracing right now, with not a lot of opportunity, and have these kinds of costs already piling up—possibly student loans also.

What our bill will do is simply say that anybody can stay in their parent's health plan up to the age of 26. That will make a difference for people such as Allison.

Greg from Shelby County, in western Ohio, the Sidney area of the State, writes:

> Please keep up the fight for healthcare reform. We have a 23-year-old daughter who just graduated from college and has been consistently denied health insurance because of a pre-existing condition.
>
> Her condition only requires maintenance medication but she is evidently considered ''too much of a risk'' to insure.
>
> We know that if opponents of health reform had a loved one being denied health insurance they [might] not be so against it.
>
> Please, please keep fighting and make sure to adopt legislation to get coverage for all Americans.

Greg and his daughter are victims again of a system that is malfunctioning. Too many times, in too many cases, people who thought they had decent insurance—their daughter is 23. She cannot stay on her parent's plan because of that. Our bill will allow her to. Our bill will give his daughter the opportunity to go into the insurance exchange—to pick Aetna or Blue Cross or WellPoint or another insurance company or pick a public option—a public option—that will keep the insurance companies honest, that will compete with the insurance companies and help bring costs down.

There are two more letters. I have a letter from Stephanie from Cincinnati. I will tell her story quickly.

Stephanie traveled all the way from Ohio, along with six other families from around the country, to talk about their health care stories. They are speaking for millions of Americans who can't obtain health insurance or who have coverage but still can't get needed medical services. Stephanie's parents were in an accident that cost her mother her life and left her father in intensive care for 5 weeks. Stephanie had to battle insurance companies constantly to get her father vital treatments for his injuries so he could walk again.

Stephanie's message is simple. She said: I and every other American are not simply claims to be denied.

Think about that. Your mother is killed in a car accident. Your father is in intensive care. What are you doing? You are fighting with insurance companies to cover your father's medical care. What kind of system does that?

Insurance companies don't want to insure you when you are sick. If you are going to be too expensive, they find reasons to deny you care: preexisting condition, discrimination based on disability or gender or age or geography. They don't want to cover you if you are sick, but if you get insurance, then they work to try to deny your claim.

Thirty percent of claims in this country are denied in the first round—30 percent. Some of them get undenied. Some of them get accepted and paid. But the sick person or the sick person's family has to get on the phone day after day and fight with the insurance

company and cajole and argue and call their State legislator and call their Congressman and push the insurance company to do the right thing. What does that do? If you are suffering from breast cancer and you have to deal with your illness and all those issues and you have to deal with an insurance company, what kind of health care system is that?

The last letter I will read, and then turn the floor over to Senator KLOBUCHAR, is from Dan from Butler County, just north of Cincinnati. Dan writes:

> I am 47 years old. My wife and I are among the working poor in this country. We live in a very modest home with typical household expenses: A car, a school loan, a few thousand dollars of credit, and other bills. But starting in 2010, our health care expenses will nearly equal our monthly mortgage payments.
>
> I have been diabetic since age 4. Twenty years ago I got a kidney transplant. But today, I can't pay for the increased health premiums my insurance company charges me. I can't pay the doctor bills and keep my house and my car at the same time. It will eventually come down to not seeing a doctor or not taking my medication in order to keep my house.
>
> Had I known before that getting a kidney transplant in 1988 would be a preexisting condition today, I would have declined it and not put the financial burden on my parents, myself, and my wife.

So here is a gentleman in Middletown, Hamilton, in that area of Ohio. Dan works every day, working poor, making $10, $12 an hour, barely making it, working hard every day. He has to make a choice: house payment, medication, insurance payment. He can't do all three. Maybe he can't even do two of those. When somebody is working that hard and playing by the rules and doing what we ask of them in this country, which is to work hard, raise your kids, go to school, contribute to your community, Dan doesn't have that opportunity because of what has happened to health care costs.

Our bill will help people such as Dan. If he doesn't have insurance or he can't afford that insurance, he can go into an insurance exchange, choose a menu of plans: CIGNA or Aetna or WellPoint or he can choose the public option, which will mean no more preexisting condition, no more denial of care, no more limits if you get sick and it gets expensive. It will keep the insurance companies honest, allow them to compete, and bring the prices down. That is why the public option will make this health care bill even better than it would be otherwise. It is the least we can do. It is what we have to do for our Nation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I think the Republican leader is here and he will go before me.

RECOGNITION OF THE MINORITY LEADER

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

Mr. MCCONNELL. Mr. President, I thank my friend from Minnesota for giving me an opportunity to make my opening remarks. I appreciate it very much.

TRIBUTE TO DAN INOUYE

Mr. MCCONNELL. Mr. President, it is a pleasure for me to call attention to someone who rarely calls attention to himself. Today, our friend, Senator INOUYE, reaches a very lofty milestone, and we honor him for his achievement. It is an opportunity to call attention not only to his dedication to the people of Hawaii but also to a remarkable American story.

Senator INOUYE was only 17 when he heard the sirens over Honolulu and saw the gray planes flying overhead, but he was old enough to know nothing would be the same. At the time, he dreamed of being a surgeon. A few years later, a medic would be taking care of him after his heroic actions in the Italian mountains, for which he would later receive our Nation's most prestigious award for military valor.

DAN INOUYE's dream of being a surgeon was not realized. There were other things in store. Instead, he became a member of one of the most decorated U.S. military units in American history and one of our Nation's longest serving and finest Senators.

We are periodically reminded of Senator INOUYE's deep commitment to service, such as earlier this month when he traveled to Afghanistan and Pakistan to check in on our troops and ensure their well-being. It was an arduous journey for anyone, let alone a Senator who has served so long.

Senator, thank you for your service and for your example and congratulations on your achievement.

MEDICARE CUTS

Mr. MCCONNELL. Mr. President, at the moment, the final details of the Democratic health care plan are largely unknown to the American people. That is because those details are being worked out in private by a handful of senior Democrats and White House officials, but we do know the basics.

The Democratic bill will be about 1,500 pages long, it will cost $1 trillion, it will raise insurance premiums and taxes, and it will slash Medicare for seniors by about $½ trillion over the next 10 years. This much we know.

We also know where some of these cuts will be made. More than $120 billion in Medicare cuts for hospitals that care for seniors; more than $130 billion in cuts to Medicare Advantage, a program for seniors; more than $40 billion in cuts to home health agencies; and nearly $8 billion in cuts to hospice care. These are major cuts with serious consequences.

Just yesterday I heard about some of these consequences when I met with a group that represents hospices across Kentucky, including Phillip Marshall, from my hometown of Louisville, who explained the situation. He told me these vital facilities depend on Medicare for most of their costs and that they make up most of the rest through charitable giving and through the generosity of many dedicated volunteers. He also told me he has been following the debate in Congress, and he is concerned the proposed cuts he is hearing about would have a serious effect on hospice care. He is not alone.

Last month, I received a letter from Brandy Cantor with the Kentucky Association of Hospice and Palliative Care. She told me about the tremendous emotional and spiritual support hospice care workers provide each year to thousands of Kentuckians at the end of their lives, and she also told me that the cuts to these programs would have a devastating effect on the good work these facilities do.

I got another letter last month from a Kentucky nurse named Victoria Scarborough. She started out by telling me she supports health care reform, as we all do, and she wrote, with evident pride, about the excellent care the caring people who work in her facility are able to provide. To prove it, she related some of the comments she has received from patients. One hospice patient wrote that she didn't know what she would have done without hospice. Another said she had been treated ''with the utmost care, love, and concern.''

This is the kind of care everyone deserves and which we all hope our loved ones would receive during a serious illness. But according to Ms. Scarborough, the hospice cuts currently being proposed would have a serious adverse effect on care.

I know the bill writers support the compassionate work that is provided by hospice care across the country. By mentioning these letters, I don't mean to imply otherwise. But I do believe we need to be aware of how these cuts will affect real people, and these are just the cuts to hospice care, which represent only a fraction of the cuts that are being proposed.

Some of my colleagues will speak today about the dangers of these Medicare cuts. They will also talk, as I have many times, about the wrongheadedness of using Medicare as a piggy bank to fund a further expansion of government health care. We need to strengthen Medicare and preserve it for today's seniors and future generations, not slash it to create more programs that are bound to have the same fiscal problems Medicare, Medicaid, and Social Security already have.

I understand the problem of the bill writers. It is not easy to raise $1 trillion, particularly at a time when Americans are clamoring for a reduction of our record deficits and ballooning debt, but slashing Medicare is not the way to go.

Republicans have suggested another way, and that is commonsense, step-

by-step reforms that address the problems at hand without raising premiums, raising taxes or cutting Medicare. Unfortunately, those proposals have been rejected.

As a result, the threat of these massive cuts to Medicare remains. This is not the kind of health care reform America's seniors bargained for.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

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

FOOD SAFETY

Ms. KLOBUCHAR. Mr. President, today the Senate Health, Education, Labor, and Pensions Committee is holding a hearing to discuss the need to reform our Nation's outdated, underfunded, and overwhelmed food safety system. The focus, of course, in Washington right now is on health care. I truly believe we need to get a health care reform bill passed, and I will speak at another time about Medicare costs which the Republican leader addressed. It is my view that if we don't do anything to reform Medicare, we all know it is going in the red by 2017. We all know that if we continue the path we are following—if we don't bring higher quality standards into Medicare at lower costs—that is not good for anyone. It is certainly not good for our seniors. So based on my health care experience in my State and knowing what our State needs, we want to have that high-quality, low-cost focus, and that is what we are working to do on this bill.

Today, I am here on another health matter; that is, the health of our food safety system. The hearing today and recent actions by the administration are good steps forward to ensure the safety of our food supply, but more must be done. The time to act is now. Why is the time to act now? Well, look at what has been going on.

In the past few months, the recalls of peanut products, spinach, and cookie dough have shaken our confidence and trust in the food we eat. According to the Centers for Disease Control, foodborne disease causes about 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths in the United States each year.

Last fall, hundreds of people across the country fell ill from salmonella. In this case, the source was finally traced to a peanut processing plant in Georgia. In the meantime, nine people died from salmonella poisoning, including three people in my home State, the State of Minnesota.

The first responsibility of government is to protect its citizens. As Members of Congress, we must act quickly to pass tough new laws to strengthen our food system to ensure the health and safety of the American people. Americans spend more than $1 trillion on food every year, and when families go to the grocery store or out to eat or wherever they are going to get a bite to eat, they shouldn't have to worry about getting sick from the food they eat.

I have joined with a bipartisan group of Senators to introduce the Food Safety Modernization Act of 2009, which would overhaul the Federal Government's food safety program. Other cosponsors include DICK DURBIN, JUDD GREGG, RICHARD BURR, CHRIS DODD, LAMAR ALEXANDER, and SAXBY CHAMBLISS. I wish to particularly thank Senator DURBIN for his longtime leadership on this issue.

Whenever contaminated food is allowed to reach consumers, public trust in the integrity of our food supply and the effectiveness of our government is undermined. Think about it. The three people who died in Minnesota, one was an elderly woman at a nursing home. She was in perfectly good shape. She had a little piece of toast with peanut butter. That was it, a little piece of toast with peanut butter. In talking to her son, I learned so much about her and what a courageous woman she was. She ate one piece of toast with peanut butter.

This bill will give the Food and Drug Administration the tools and authority for better inspections and a more responsive recall system. The bill will also improve our capacity to prevent foodborne outbreaks by helping food companies develop a national strategy to protect our food supply and allow the FDA greater access to facility records in a food safety emergency.

Currently, the FDA does not have the resources to conduct annual inspections at the more than 150,000 food processing plants and warehouses in the country. Our bill requires annual inspections at facilities that pose the greatest risk to the American public and will go a long way toward ensuring the protection of our Nation's food supply. Think of it. Something such as a peanut butter facility, they don't think they are ever going to be inspected, no one is going to be looking, so they don't have that incentive every year to improve their food processing capability. They don't have that incentive. They don't worry that anyone is watching over their shoulder because they are not.

This bill also takes steps to improve our capacity to detect and respond to foodborne illness outbreaks, but I believe there is still more that can and should be done. That is why, along with Senator CHAMBLISS, I have introduced the Food Safety Rapid Response Act.

This legislation focuses on the Centers for Disease Control, as well as State and local capability for responding to foodborne illnesses. The recent outbreaks demonstrate that there needs to be better coordination when responding to a food safety crisis. This legislation seeks to make these much needed improvements.

In the case of both the jalapeno pepper outbreak last year and the peanut butter outbreak earlier this year, people had been getting sick for months before an advisory was issued. The breakthrough in identifying the sources of contamination didn't come from the Centers for Disease Control. Neither did the jalapeño pepper case, identified first as tomatoes, or the peanut butter case. It didn't come from the CDC or from the FDA, and it didn't come from the National Institutes of Health.

The breakthrough in both outbreaks came from the work of the Minnesota Department of Health and the Minnesota Department of Agriculture, as well as collaborative efforts with the University of Minnesota School of Public Health. This initiative has earned a remarkable national reputation.

The Food Safety Response Act uses the exceptional work done in Minnesota as a national model for food safety. Why does someone have to get sick or die in Minnesota before a national outbreak is solved? They have a team of graduate students who work together under the supervision of the university and the department of health. They, together, figure out what is wrong. They make the calls together. They are like food detectives. Some people have called them ''team diarrhea.'' They figure out what is wrong, what goes on in other States. Sometimes a report in an individual county sits on a busy nurse's desk and they don't follow up on it for weeks and we are never able to piece together that information that figures out and solves the source of the outbreak.

This bill would direct the CDC to enhance their foodborne surveillance systems to improve the collection, analysis, reporting, and usefulness of data on foodborne systems, including better sharing of information among Federal, State, and local agencies, as well as with the food industry and the public.

Second, it would direct the CDC to work with State-level agencies to improve foodborne illness surveillance.

Finally, this legislation would establish food safety centers of excellence. The goal is to set up regional food safety centers at select public health departments and higher education institutions. These collaborations would provide increased resources, training, and coordination for State and local officials. In particular, they would seek to distribute food safety ''best practices'' so other States can figure out how they can do this better so every food outbreak doesn't need to have someone get sick or die in Minnesota before it gets solved.

Think about it. The two recent food outbreaks only got solved in one State. We have to use that model nationally.

Dr. Osterholm, at the University of Minnesota, is a national food safety expert and is credited with the creation of the Minnesota program. He said the

creation of regional programs modeled on Minnesota ''would go a long way to providing precisely the real-time support for outbreak investigations at the State and local levels that is sorely needed.''

At today's hearing, the Food Marketing Institute stated that the Food Safety Response Act would ''better coordinate foodborne illness surveillance systems and better support State laboratories in outbreak investigations with needed expertise.''

In Minnesota, we also have the benefit of working with strong leaders in the food industry, including SuperValu, Hormel, General Mills, and Schwann's. Their leadership has helped set national standards for food safety and response to foodborne outbreaks. Public and private collaboration is essential to improving our food safety response system.

The annual costs of medical care, lost productivity, and premature death due to foodborne illness is estimated to be $44 billion. There is a lot at stake—both in terms of life and money. I believe we can do better.

As a former prosecutor, I have always believed the first responsibility of a government is to protect its citizens. When people get sick or die from contaminated food, the government must take aggressive and immediate action.

Congress must improve the FDA and bring it into the 21st century. I believe, together, the Food Safety Rapid Response Act and Food Safety Modernization Act, which I have introduced with Senator CHAMBLISS, will strengthen food safety in our country and ultimately save both lives and money. We owe it to the American people to act quickly and pass this legislation.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

MEDICARE PHYSICIAN FAIRNESS ACT

Ms. MIKULSKI. Mr. President, I am here today to speak on legislation on which we had a cloture vote last night, the Medicare Physician Fairness Act.

I am here to express my disappointment and frustration that we did not vote through a parliamentary procedure so we could debate the issue of what is facing physicians who provide treatment to Medicare patients.

Under the current situation, American doctors will face a 21.5-percent payment reduction in what they get from Medicare when they treat Medicare patients. I think this is outrageous. Right now, we have people who took TARP money and they are acting like twerps.

What they did is take the money. They don't lend the money, but they sure give themselves money with lavish compensation and bonuses. At the same time, every single day, 24/7, there are doctors on the front line saving lives, improving lives, and having people count on them. I am very sorry they chose over a budget debate to vote to take it out on doctors. We have to treat our doctors fairly for what they do and the sacrifices they make to do the job they do.

This is a 21.5-percent payment reduction. Imagine that. Imagine if we had to take a 21-percent pay cut. Do you think we would have not voted for cloture? I don't think so. We are forcing doctors to maybe close their doors to seniors, denying people access to the doctors they need and the doctors they should have. We cannot let this happen.

Every day, we ask the doctors treating our Medicare population to be unstinting in what they do. Then, when it turns around, the government is stingy. I think that is a double standard. We ask the people who provide the hands-on services to be unstinting. Yet when it comes to paying them for what they do, we are pretty stingy. This is unacceptable.

As I said, we ask so much of our doctors. They need to be skilled, smart, empathetic, and they need to be available 24/7. We ask them to have the scientific understanding of a Nobel Prize winner and the patience and compassion of Mother Teresa. Our doctors assume tremendous responsibility for life, the risk and accountability for making the right diagnosis, the right treatment, which is tailored for each unique patient. They follow us all the way through when something happens to us or comes up in our lives.

Our doctors look out for the aging population in our country. When people get older, they have multiple problems, and sometimes the very treatments contradict each other, requiring tremendous scientific skill and collaboration. When they treat older people, they need to take time to tell their story, their narrative. They don't go in just with a list of complaints.

I have heard my Medicare constituents say time and time again: I don't know what I would do without my doctor. Our doctors are always there for us, but are we there for them? Look at what they face.

First of all, in many instances, they are the first responders. They are there dealing with disease, trauma, and even death. For all the work they do while they are trying to work with patients, they have to face a health care bureaucracy—public and private. What is the one thing the public and the private programs have in common? They have a bureaucracy.

Doctors tell me when they came into medicine, it was to make a difference in patients' lives. But what do they run into? Hassle factors, complicated administrative forms, preapprovals, and skimpy and spartan reimbursements, whether it is from private insurance or Medicare.

In this country, we need to start focusing on value care, not volume care. Patients are grateful to their doctors, but Medicare reimbursement is important. All this work and this training is not rewarded for what doctors have to do. They have to work with a whole team of nurses, social workers, pharmacists, and integrative health professionals. One of the things we should do is make sure they are paid fairly. For health professionals—that entire team I talked about—their career is their calling.

Mr. President, I am going to share a personal anecdote on why I feel so strongly about this—not only because I chair the Subcommittee on Aging, and not only because I have tried to be a champion for the older population throughout my public career. In July, I took a fall coming out of church after Mass. I broke my ankle in three places on that Sunday afternoon. I was in absolute shock. As I tried to figure out what I would do, some of the people from church came to my rescue, and I was able to contact my primary care doctor. I had an ambulance there pretty quickly and was taken to a downtown urban hospital—Mercy Hospital. It truly, in every way, exemplifies the quality of mercy that comes like a gentle drop.

On my way there, and what happened to me as I went into the ER—that emergency room was like what we see on TV, only this was no miniseries; this was real life. The doctors at the hospital talked to me, and I spent time working with them as they treated me, got me through what I needed to do. I was met by the ER doctor. I had x-rays; there was a radiologist there. There was my primary care doctor on the phone. There was a gifted and talented orthopedic surgeon, who left his family at a cookout because the call of duty came, and he raced to be there. Was it for Senator Barb? No. The people in the ER were doing the same thing for everybody.

As I waited a few days for the swelling to go down, I had surgery which involved the anesthesiologist. I could go on and on.

When I look at all of the doctors who cared for me that day and in subsequent weeks—the ER doctor, the radiologist, the anesthesiologist, the orthopedic surgeon, my primary care doctor, and the cardiologist—they were wonderful people at my side. They were people who graduated from college, who then had gone to medical school, at considerable stress and cost. They had gone through sophisticated residency programs, and some even fellowships. They also participate in ongoing continuing medical education requirements. But they do it not because it is required but because they want to be tops in their field.

For all of that work and the responsibility they assume, we have to be able to reimburse them. Mr. President, I have seen the health care system from the wheelchair up. I have seen people who provide the health care, and I have been in rooms getting physical therapy with others who also need care. One of the things they are absolutely clear

about is we need to look out for the people who take care of us as they look out for us.

Today I am asking that we recognize the doctors for all that we ask of them—the knowledge they need, the risk they undertake, the high cost of their education, spending 12 years in training, being on call 24/7, often being rushed from their families when they want to spend time with them. I ask that we recognize those doctors by compensating them justly and fairly and not treating them like a commodity. We also need to do that for the nurses, social workers, physical and occupational therapists, integrative health people, and many others.

If we don't pass this Medicare Physician Fairness Act, we have real problems. Failing to pass this bill is not an option. I think we need to do the right thing by the doctors, and I think we need to do the right thing by the people who need the doctors.

Let's do the right thing and pass the Medicare Physician Fairness Act.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. Mr. President, is now the time to begin the Republican part of morning business?

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

HEALTH CARE REFORM

Mr. ALEXANDER. Mr. President, first impressions are important. Depending on one's age, we remember different things. When I was a young teenager, the first college football game was broadcast on a television network. It was Tennessee versus Alabama with Lindsey Nelson, who had gone to Tennessee, and Mel Allen, who had gone to the University of Alabama, as the announcers. There have been a lot of good football games since that time, but everyone remembers the first broadcast.

I can remember the first one-hour evening news program. I think it was ''Huntley-Brinkley'' on NBC. There have been a lot of distinguished newscasters before and since, but that was the first one-hour news program with two anchors.

I can remember watching basketball games and getting a glimpse of a coach and forming an impression of the whole university from a short glimpse. An experience we've all had is meeting someone for the first time and getting a first impression that is usually a fairly accurate impression of that person. It usually lasts a long time, and it is hard to get over a first impression.

Yesterday was the first vote on health care reform. I think the American people got a very strong first impression from that vote. What the majority leader, the Democratic leader, sought to do was add $¼ trillion to the national debt on the first health care vote. The Senate said: No, we are not going to do that, even for a worthy cause, which in this case was fixing the doctors reimbursement procedure; which the Senator from Maryland just discussed and which we all agree needs to be attended to. But the Senate—all 40 Republicans, and 13 Democrats—said no, we are not going to start by adding $¼ trillion to the national debt on the first vote of health care reform. Especially not at a time when we just finished a year which added $1.4 trillion to the national debt, three times as much as the year before, and as much as we added to the entire national debt in the first 200 years of the Republic.

People are very worried about the growth of the debt, and that was reflected yesterday in the first vote on health care reform. I think that reminds us of the importance of reading the bill and knowing what it costs. That also is a bipartisan approach here. All the Republicans have said we want to be able to read the bill and know what it costs before we start voting. And even though Senator BUNNING's amendment, which would have allowed this, was voted down in the Finance Committee by Democrats, eight Democratic Senators wrote the Democratic leader and said: We agree; put the bill on the Internet, the complete text, for 72 hours and let's have a formal calculation of exactly what it costs before our first vote.

We had a first vote yesterday, even before we have a complete bill. Because we had a chance to read this one provision and time to think about it, we came to the right conclusion and voted it down.

In the next several months of discussion there will be many other issues such as this about how we reform health care. My view—and I think the view of most Republicans and I believe most Americans—is to reduce costs. We have to reduce the cost of health care to our government, otherwise it is going to go broke.

The President hosted a summit on entitlement spending early in the year which I was invited to it. I appreciated receiving the invitation and I attended the summit. Everybody there said if we do not control health care spending, we are going to go broke as a government. Then millions of Americans are saying: I cannot afford my own health care; 250 million of us have a health care premium we pay or someone helps us pay or some combination, and it is too expensive for individuals and for small businesses. So our goal is to reduce the cost of health care to government and reduce the cost of health care to Americans. Yet our first vote yesterday was to increase the debt, and we said no.

Let's read this bill as it comes to us. Right now it is being written behind closed doors in the majority leader's office. With such a controversial issue I am not sure that is the best way to go about writing this bill. Usually it helps to have bipartisan support in the Congress, even if you have big majorities, so that you can get broad bipartisan support in the country any time you have a complex issue.

When I was a young Senate aide in 1968, we had a very controversial issue before the Senate called the civil rights bill. Lyndon Johnson was President of the United States, and Everett Dirksen was the Republican leader sitting over where MITCH MCCONNELL sits today. The Democratic majorities were bigger than they are today. President Johnson did not have the Democratic leader write the civil rights bill in a closed room in the Democratic leader's office. What did he do instead? He was very wise. He had it written in the Republican leader's office.

So in Senator Everett Dirksen's office for several weeks in 1968, I recall, the bill was written in the full light of day, with Senators, staff members, and hangers-on going in and out. In the end, the bill—more difficult than this health care bill—passed. Senator Dirksen, the Republican leader, got some of the credit. He deserved it. President Johnson got what he wanted. And the country supported it because it saw, looking at Washington, DC, a broad level of support and they felt better about that.

I don't think people are going to feel as good about a bill that restructures one-sixth of our economy, that affects every single American's health, and the health care bill is being written behind closed doors, in the Democratic leader's office. We will see. But at least whatever emerges, we want to read the bill. We want the American people to be able to read the bill. And we want to know exactly what it costs before we go ahead.

For example, what is it going to do to Medicare? The Republican leader has talked about that issue. If the concept paper is any indication we know what it is going to do to Medicare. It is going to cut Medicare by $½ trillion to pay for a new entitlement program.

Some of my friends on the other side say: You are scaring seniors when you say that. It may be scaring seniors, but it is the truth. This bill, when implemented, is going to cost $1.8 trillion and $½ trillion is going to come from Medicare cuts. We are going to be cutting grandma's Medicare to spend on somebody other than grandma—a new entitlement program.

We are doing that at a time when the Medicare Program, the program that serves more than 40 million older Americans, is going broke. We need to be careful in the Senate not to overstate issues. So let's not take my word for it. The Medicare trustees say that the Medicare Program, upon which more than 40 million seniors rely, is going to run out of money between 2015 and 2017. That is not too far away. The

Medicare trustees—it is their job to watch out for these things—said:

We need timely and effective action to address Medicare financial challenges.

I think what they are saying to us is if you are going to cut grandma's Medicare, you ought to at least spend it on grandma instead of spending it on somebody else. That is basically what we are doing. We are cutting Medicare $500 billion, and instead of spending it to strengthen the Medicare Program, the proposal is to spend it to create a new entitlement program.

What are the cuts? Nearly $140 billion in Medicare Advantage; $150 billion in cuts for hospitals that care for seniors; $40 billion for home health agencies; and $8 billion from hospices.

The President said that people who are currently signed up for Medicare Advantage are going to have Medicare at the same level of benefits. That is why we need to read the bill and know what it costs because something has been lost in translation between what the President said and what appears to actually be in the bill. The Director of the Congressional Budget Office, the nonpartisan Congressional Budget Office, said in testimony that fully half of the benefits currently provided to seniors under Medicare Advantage would disappear in the Baucus proposal. The same Baucus proposal which is being amended and written and merged with other bills behind closed doors in the Democratic leader's office. The head of the Congressional Budget Office said the changes would reduce extra benefits such as dental, vision, hearing coverage, that would be available to beneficiaries. Humana advised its customers who are Medicare Advantage beneficiaries that their benefits would be cut, causing the Obama administration to put a gag order on this large health care organization.

I made a little speech on the floor yesterday talking about the dangers of developing an enemies list, of boycotting television networks, of calling out Senators with whom you disagree, taking the names of bondholders who do not go along with the General Motors or Chrysler bailout, threatening an insurance company for switching from supporting your proposal to opposing your proposal or a large health care company that tells its customers the truth—your Medicare Advantage is going to be cut.

Another reason to read the bill is the provision that will make additional cuts to Medicare above and beyond the $500 billion that is specified. At least that is the assumption of the Congressional Budget Office when it looked over the bill and said that it was in balance, which it has turned out not to be.

The Congressional Budget Office assumed that a Medicare commission would make even more Medicare cuts. Those do not seem to be realistic assumptions. We have had a provision in law since 2003 that would provide an automatic mechanism for making Medicare cuts. Nobody has ever wanted to use it.

We saw what happened yesterday, recognizing that it was unrealistic to expect that doctors would take a 21-percent cut in their pay in a year. The Democratic leader tried to borrow $¼ trillion to try to take care of that problem.

If we read the bill and now what it costs we find out that either doctors are going to pay for a big part of this new Medicare Program or seniors are going to pay for a big part of it or our grandchildren are going to pay for a big part of it by increasing the debt. The Washington Post said this was a shell game.

I think the lesson here is first impressions count. We got a good first impression yesterday of the direction of this health care bill. The proposal was: Let's borrow $¼ trillion, and the Senate, in a bipartisan way, said: We are not going to do that, no. That was the correct vote.

Now we see another reason to read the bill is because we want to make sure we know what it does to Medicare. What we have seen so far is that it will cut grandma's Medicare by $½ trillion, not to spend on grandma but to spend on some somebody else, even though the Medicare Program, its trustees say, will go broke in the year 2015 to the year 2017. That is one more good reason not just to read the bill but to start over in this health care reform.

We have been saying on the Republican side for months that we should not be trying to do this comprehensive, full-of-surprises, trillion-dollar health care reform, that restructures one-sixth of our economy, in the middle of the greatest recession we have had since the 1930s. We should focus instead on reducing the costs of health care to the government and to Americans who pay for premiums, and go step by step to re-earn the trust of the American people to reduce costs. We suggested how to do that. We would start by allowing small businesses to come together, pool their resources, and offer insurance to their employees. It has been estimated that would produce at least coverage for 1 million more Americans and probably many million more Americans.

Second, we have suggested saving money by reducing the number of junk lawsuits against doctors which drive up the cost of health care.

Third, we have suggested allowing insurance to be sold across State lines. That creates more competition that should reduce costs.

We have suggested creating health insurance exchanges—many of our Democratic friends agree with that—to make it easier to shop for health care. We have suggested enrolling individuals in existing programs. There are up to 11 million people who are already eligible for programs that we now have, and that is one way to add people without increasing cost in a huge way, or creating a great new program. We have suggested incentivizing health care technology, changing tax incentives, and expanding health savings accounts. These are steps we can take to reduce costs.

It appears many of the American people agree with that Republican strategy. A new Gallup poll out yesterday said that 58 percent of Americans would generally prefer to see Congress deal with health care reform on a gradual basis—over several years—rather than to try to pass a comprehensive health care reform bill this year.

So first impressions count.

The health care debate was defined yesterday by the attempt to borrow $¼ trillion to add to the debt. I am glad it failed. The health care debate, as the President himself said, is actually a proxy for a larger debate about the role of our Federal Government in American life. Increasingly, Americans are skeptical of this comprehensive trillion-dollar-plus, full-of-surprises proposal that is being written in the back room approach. Instead they hope we will focus clearly on reducing the cost of health care premiums, reducing the cost to our government, and then going step by step in the right direction to make health care affordable for all Americans.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. KIRK). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I want to thank again my colleague from Tennessee for the great work he has been doing on the issue of health care and the many other leadership issues. There are a lot of things going on. There are a lot of moving parts in the health care reform debate situation.

I would like for us, however, to maybe pause and look back for a second as to what we heard and what has actually been going on. First, we heard the President say that if you like the insurance you have, you can keep it, period. Increasing mandates on employers, who today have difficulty affording health care coverage, and cutting Medicare by $500 billion will ensure that millions of Americans will not be able to keep the coverage they have today. CBO and common sense tell us this. According to CBO, 3 million fewer Americans will be covered under employer health plans; and further, millions of seniors may lose the Medicare plan they have and that they want to keep. That is called Medicare Advantage.

We also heard the President say that he won't support legislation that increases the deficit one dime. We now know that is not true. We saw yesterday an attempt at incredible gimmickry to do away with $247 billion worth of debt that would have been associated with health care. Obviously, it is a way to get around the $¼ trillion increase in the cost of health care that would have accrued if we had kept doing what we are doing. We all know that the true implementation cost of

the proposal in the Senate Finance Committee is $1.8 trillion, once you look at the real numbers.

One of the more entertaining aspects of the protestations of cost savings is the approach that all of these bills take to medical malpractice reform. There is none. There is none. Before the joint session of Congress several weeks ago the President even referenced a grand initiative, that he was going to support medical malpractice reform. Consequently, we found out the announcement was that the administration was going to—get this; I am not making it up—the President was going to accept grant applications for demonstration programs. I say to the President and to my colleagues, there are already demonstration programs: One is called Texas and the other is called California. They have enacted medical malpractice reform and it has saved incredible amounts of money. CBO now estimates that real medical malpractice reforms can save the health care system $54 billion over the next 10 years. Real medical malpractice reform can save as much as $200 billion.

My favorite example so far—and then we politicians wonder sometimes why the American people are a little cynical about the things we promise and the things we commit to during political campaigns; that we are going to do A, B and C and you can count on it, et cetera. My favorite so far is when the President was running for office. Three months before he was elected, President Obama vowed not only to reform health care but also to pass the legislation in an unprecedented way. He said:

> I'm going to have all the negotiations around a big table.

He said that at an appearance in Chester, VA, repeating an assertion he had made many times. In referring to the debate on health care, he said the discussions would be—

> . . . televised on C–SPAN, so that people can see who is making arguments on behalf of their constituents and who are making arguments on behalf of the drug companies or the insurance companies.

Well, maybe the administration and the majority leader don't know where the C–SPAN cameras are. I can get them outside of Senator REID's office at a moment's notice. In fact, they are televising this. I want to repeat what the President of the United States promised the American people specifically on health care reform. He said the discussions would be—

> . . . televised on C–SPAN, so that people can see who is making the arguments on behalf of their constituents and who are making arguments on behalf of the drug companies or the insurance companies.

It might be a little late for the drug companies. They have already cut a sweetheart deal with the drug companies. They have agreed to oppose importation of drugs from Canada and oppose competition amongst drug companies for Medicare patient recipients in return for some $80 billion in supposed savings over 10 years, and $100-some million worth of advertising by the drug companies in favor of health care reform. I am not making it up.

President Obama also said he didn't want to be—

> . . . negotiating behind closed doors but bringing all parties together and broadcasting those negotiations on C–SPAN so the American people can see what the choices are. Because, part of what we have to do is enlist the American people in this process.

The last I saw, they were trying to enlist the AMA by doing a $247 billion unpaid for deal so that they could buy their support. They bought the drug companies. They couldn't buy the health insurance companies, so now they are going to retaliate against them by removing their antitrust exemptions.

One thing I have to say for this administration, they know how to play hardball. They know how to play hardball. But they also don't seem to care about the commitments that the President made during his campaign for the Presidency.

I see my colleague is here—Senator BARRASSO—and he wants to speak also, but I say to my colleagues on the other side of the aisle, the American people are tired of this behind-closed-doors dealmaking, deal cutting, which none of us on this side of the aisle have had anything to do with and very few on the other side of the aisle. They are doing a multi-trillion-dollar deal which will affect the future and the lives of 300 million Americans eventually. It is not right. This process is not right.

The process they should be going through is exactly the one that the President promised the American people when he was running for President of the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

CLEAN AIR PROTECTION ACT

Mr. BARRASSO. Mr. President, I rise today to talk about a bill I have introduced called the Clean Air Protection Act.

Environmental Protection Agency Administrator Lisa Jackson has stated that she believes the Clean Air Act was not specifically designed to address greenhouse gases. She also says using the Clean Air Act to regulate climate change raises serious concerns.

I agree with her completely. So then what was the EPA's response to the problem? Well, they developed a tailored interpretation of the Clean Air Act where they ignore certain provisions of the law. This tailored interpretation is actually called the tailoring rule. The tailoring rule is EPA's attempt to limit the scope of the Clean Air Act—limit it to only those businesses that emit 25,000 tons of greenhouse gases. That is 100 times more than the amount of emissions that are currently allowed by law.

Saying that the EPA will only limit emissions from large businesses is not allowed under the current law—the Clean Air Act. So if you are going to use the Clean Air Act to regulate greenhouse gas emissions for American businesses, you have to use the standard that Congress has set out in the act. The EPA's approach is not legal, and I can tell you it will be challenged in court.

I alerted EPA Administrator Jackson and the EPA Assistant Administrator Regina McCarthy that special interest groups are scheming to sue the EPA. Suits will be filed if the EPA does not follow the Clean Air Act limits—sue them to capture hospitals, farms, nursing homes, commercial buildings, and any other small emitters of greenhouse gases.

I put a hold on Regina McCarthy at the time she was the nominee to be the Assistant Administrator of the EPA Office of Air and Radiation. I did this because of my concern about lawsuits if the EPA attempted to use the Clean Air Act to regulate climate change. I wanted to know what the EPA's solution to the problem would be. When asked about potential lawsuits, Regina McCarthy said that she will—

> . . . request that I be informed if any such notice is filed with regard to a small source, and I will follow up with potential litigants.

That is the EPA's solution, to sit down over a cup of coffee and ask lawyers for special interest groups not to sue. Groups know the law. They know what it says. The EPA Administrator is opening the door to environmentalists and other activists to file suit—to sue to run small businesses into the ground. Up to 1.2 million hospitals, farms, nursing homes, commercial buildings, and other small emitters could be bankrupt. The net result of all of this will be jobs lost. According to the Heritage Foundation, job losses are estimated to reach 800,000.

The solution to this problem is not to have government officials go around asking litigants not to sue; the solution is to pass legislation that takes this regulatory ticking timebomb off the table for good. That is why I have introduced legislation to fix the problem. The bill, S. 1622—the Clean Air Protection Act—takes the Clean Air Act out of the business of regulating climate change. My legislation allows car and truck regulations under the Clean Air Act to move forward, while stopping the regulation of stationary sources, such as small businesses, hospitals, farms, and nursing homes.

Given the introduction of the tailoring rule by the EPA, Congress should pass S. 1622, the Clean Air Protection Act, without delay, pass it before the regulatory ticking timebomb goes off.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

EXTENSION OF UNEMPLOYMENT BENEFITS

Mr. BINGAMAN. Mr. President, I rise to speak in favor of the Reid-Baucus-

Shaheen amendment to H.R. 3548, which is the unemployment benefits extension bill.

I very much regret that the majority leader has had to file a cloture motion on a motion to proceed to even consider that issue. To my mind, this should not be a partisan issue. There ought to be agreement in this body that we should proceed to extend unemployment benefits given the circumstances we face.

The job market in my home State of New Mexico is dismal, and there is very little indication of improvement expected in the near future. New Mexico's seasonally adjusted unemployment rate is modest compared to some States. It was only 7.5 percent in August of 2009, but that is up from 7 percent in July and up from 4.3 percent a year ago. The trend is definitely disturbing. The decline in the number of jobs is the worst the State has seen in more than 45 years—with the speed with which we have been losing jobs.

The pain of unemployment is being felt across the country. More than 5 million Americans have been unemployed for 6 months or more, and 2 million of these workers face the end of their unemployment benefits before the end of this year. There are up to 4,000 New Mexicans who will exhaust their unemployment benefits by December 2009. The total number of unemployed and underemployed—including those who are working two or three part-time jobs to try to make ends meet and those who have given up looking for work—approaches 17 percent of our workforce. These are not just numbers, obviously. These are real people who face each day with the dread of not knowing how they are going to pay for the groceries they need that week or their mortgage payment or their rent payment.

The stimulus funding Congress passed earlier this year has helped to slow job losses, and it has created some new jobs, especially in education and in government services more generally. New Mexico's stimulus funding, alone, is expected to create about 22,000 jobs this year. This has had a significantly positive impact on the State's unemployment picture, but it is still not enough to fully address the needs created by the economic situation in which we find ourselves. Nationwide, for every job opening, there are six applicants. I was struck by the article on the front page of the New York Times this morning entitled ''$13 an Hour? 500 Sign Up, 1 Wins a Job.'' This was datelined Burns Harbor, IN. It says:

> As soon as the job opening was posted, on the afternoon of Friday, July 10, the deluge began.
>
> C.R. England, a nationwide trucking company, needed an administrative assistant for its bustling driver training school here [in Indiana]. Responsibilities included data entry, assembling paperwork and making copies.

It goes on to quote the head of corporate recruiting. It says:

> When Stacey Ross, C.R. England's head of corporate recruiting, arrived at her desk at the company's Salt Lake City headquarters the next Monday, she found about 300 applications in the company''s e-mail inbox. And the fax machine had spit out an inch-and-a-half thick stack of resumes before running out of paper.

The article goes on to point out the estimate is there were 500 applications filed for this 1 job, a $13-an-hour job, but they took down the posting of the availability of the job.

We have a very serious problem that needs addressing. The extension of unemployment benefits will not ease the worry of the unemployed. It will not eliminate the dread they have about the need to pay bills each month. But it will make things a little bit easier for some of those individuals. Extension will make it easier, not just for the direct recipients but for the larger economy as well. Economists tell us that for every $1 in unemployment benefits the government provides, $2.15 is generated throughout the economy. These economic benefits are felt most immediately, as benefit recipients use the funds almost immediately to meet their daily needs.

The legislation the majority leader has filed, the petition to proceed to it, takes a responsible approach to providing these additional funds. The extension is paid for with an 18-month extension of the Federal unemployment tax, which has traditionally been used, both by Republicans and by Democratic administrations, for this very purpose. The extension is a responsible, well-thought-out response to the dire circumstances many Americans find themselves in today.

As I said at the beginning, this should not be a partisan issue. Unemployment is affecting everyone, regardless of their political party or their ideology. I urge the Senate to set aside partisan politics and to agree to the majority leader's request that we proceed to this bill so we can quickly provide assistance to the thousands of Americans who depend upon these benefits as they continue to search for jobs.

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

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

Mr. LEVIN. Mr. President, what is now the floor situation?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 2647, which the clerk will report.

The assistant bill clerk read as follows:

> Conference report to accompany H.R. 2647, a bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate, equally divided and controlled between the Senator from Michigan, Mr. LEVIN, and the Senator from Arizona, Mr. MCCAIN.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LEVIN. Mr. President, the conference report on H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010, would fully fund the fiscal year 2010 budget request of $680 billion for national security activities in the Department of Defense and the Department of Energy. This bill is the product of months of hard work by our committee, culminating in more than 6 weeks of negotiations with our House counterparts. I thank all of the members of the Senate Armed Services Committee for the commitment they have shown to the best interests of our men and women of our Armed Forces. I want to particularly thank Senator MCCAIN, our ranking minority member, for his great work throughout the conference. It has been a real pleasure to work side-by-side with Senator MCCAIN as we worked through issues with our counterparts from the House of Representatives.

I also want to thank the chairman of the House Armed Services Committee, IKE SKELTON, and his ranking minority member, BUCK MCKEON, for the cooperative spirit with which they worked with us throughout the conference.

This conference report contains many important provisions that will improve the quality of life of our men and women in uniform, provide needed support and assistance to our troops on the battlefield in Iraq and Afghanistan, make the investments we need to meet the challenges of the 21st century, and require needed reforms in the management of the Department of Defense.

First and foremost, the bill before us continues the increases in compensation and quality of life that our service men and women and their families deserve as they face the hardships imposed by continuing military operations around the world. For example, the bill contains provisions that would authorize a 3.4 percent across-the-board pay raise for all uniformed military personnel—a half a percent more than the budget request and the annual rate of inflation; increase the Army's active-duty end strength by nearly 30,000, and authorize an additional

30,000 increase during fiscal years 2011 and 2012, if the Secretary of Defense deems it necessary to increase dwell time and reduce the stress created by repeated deployments; authorize payment of over 25 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service by active-duty and reserve military personnel; extend the limitation on charges for inpatient care in a civilian hospital under TRICARE Standard; enhance the ability of military voters to vote by absentee ballot; increase the authorization for the Homeowners Assistance Program by almost $300 million to provide relief to homeowners in the armed forces who are required to relocate because of base closures or change of station orders; and increase the maximum amount of supplemental subsistence allowance from $500 to $1,100 per month to ensure that service members and their families do not have to be dependent on food stamps.

The conference report also includes a number of provisions to support the civilian workforce of the Department of Defense. For example, the bill contains provisions that would: provide for the application of unused sick leave toward length of service for purposes of computing a retirement annuity under the Federal Employee Retirement System; phase in locality comparability pay in place of cost of living allowances for Federal civilian employees working in Hawaii, Alaska, and other nonforeign U.S. territories, so that they are treated the same as federal employees in other States; terminate the National Security Personnel System—NSPS—and replace it with a provision that provides a series of personnel flexibilities applicable to the entire civilian workforce of the Department of Defense and an opportunity for the Secretary to propose additional flexibilities; freeze the Defense Civilian Intelligence Personnel System—DCIPS—until an independent review can be completed; and authorize the Secretary of Defense to establish a new Defense Civilian Leadership Program to help recruit, train, and retain highly qualified civilian employees to help lead the Department of Defense over the next 20 years.

The conference report also includes important funding and authorities needed to provide our troops the equipment and support that they will continue to need as long as they remain on the battlefield in Iraq and Afghanistan. For example, the bill contains provisions that would provide $6.7 billion for the Mine Resistant Ambush Protected—MRAP—Vehicle Fund, including an increase of $1.2 billion above the President's budget request for MRAP All-Terrain Vehicles—M–ATV—which are deploying to Afghanistan; add $100 million for unfunded requirements identified by the Commander of Special Operations Command, including MC–130 airships to provide improved fire support for our ground forces in Afghanistan and Iraq; provide full funding for the Joint Improvised Explosive Device Defeat Organization—JIEDDO—to continue the development and deployment of technologies to defeat these attacks; provide nearly $7.5 billion to train and equip the Afghan National Army and the Afghan National Police, so that they can begin to carry more of the burden of defending their country against the Taliban; and authorize up to $1.3 billion for the Commanders' Emergency Response Program—CERP—in Iraq and Afghanistan for humanitarian relief and reconstruction projects that directly benefit local communities, including up to $50.0 million to support the Afghanistan National Solidarity Program to promote Afghan-led community development.

The bill would implement almost all of the budget recommendations made by the Secretary of Defense to terminate troubled programs and apply the savings to higher priority activities of the Department. For example, the bill would end production of the F–22 fighter after 187 aircraft; terminate the Air Force Combat Search and Rescue X—CSAR–X—helicopter program; terminate the VH–71 Presidential helicopter; end production of the C–17 airlifter program; cancel the manned ground vehicle portion of the Army's Future Combat Systems program, with assurances those funds will be available for the newly designed vehicle portion—ground vehicle portion; terminate the Multiple Kill Vehicle program; cancel the Kinetic Energy Interceptor and we cancel the second Airborne Laser prototype aircraft.

Finally, the bill contains a number of provisions that will help improve the management of the Department of Defense and other Federal agencies. For example, the bill contains provisions that would enhance the ability of the DOD inspector general to conduct audits and investigations by authorizing the IG to subpoena witnesses to provide testimony; improve DOD financial management by requiring the Department to engage in business process reengineering before acquiring new information technology systems and submit regular reports on its progress toward auditable financial statements; require the Department to develop a comprehensive plan to address longstanding problems in its inventory management systems, which lead it to acquire and store hundreds of millions of dollars worth of unneeded items; place a moratorium on public-private competitions under OMB Circular A–76 until the Department complies with existing statutory planning and budget requirements relevant to such competitions; and streamline and restructure DOD management positions by eliminating 22 of the 28 current Deputy Under Secretary of Defense positions and requiring the Department to develop a new organizational plan within 6 months.

The conference report incorporates two pieces of legislation from in the Senate-passed bill: the Military Commissions Act of 2009 and the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

The Military Commissions Act of 2009 would replace, and dramatically improve, the procedures enacted in the Military Commissions Act of 2006. In its 2006 decision in the Hamdan case, the Supreme Court held that Common Article 3 of the Geneva Conventions applies to the Guantanamo detainees and requires that the trial of those detainees be conducted in a manner consistent with the procedures applicable in trials by courts-martial.

The Supreme Court concluded that this requirement ''is not an inflexible one; it does not preclude all departures from the procedures dictated for use by courts martial. But any departure must be tailored to the exigency that necessitates it.''

The Military Commissions Act of 2006 created a cloud over the use of military commissions because it failed to live up to that standard. The conference report would address this problem by, one, precluding the use of coerced testimony; two, limiting the use of hearsay testimony; three, establishing new procedures for handling classified information similar to procedures applicable in civilian courts; four, providing defendants with fairer access to witnesses and documentary evidence; and five, requiring the defendant to be provided with appropriate representation and adequate resources.

The Military Commissions Act of 2009 is intended to meet the standard imposed by the Supreme Court's ruling in Hamdan and should help ensure that convictions obtained through military commissions will hold up on appeal and will be perceived as fair by the American public and by the rest of the world.

I thank Senators MCCAIN and GRAHAM as well as the lawyers at the White House, the Department of Defense, and the Department of Justice, who worked with us and for the great effort they put into this provision.

The conference report incorporates the Hate Crimes Prevention Act. Similar provisions have been previously adopted by both the Senate and the House of Representatives. This legislation is intended to help deter people from being targeted for violent attacks because of race, religion, disability, gender, or sexual orientation, among other aspects. The Senate adopted the hate crimes legislation when we adopted the Defense Authorization Act, and it was kept in conference. The House of Representatives has now adopted the conference report, and so it is now hopefully going to be before us after a cloture vote.

The hate crimes legislation includes, for the first time, a provision that makes it a Federal crime to attack a member of the U.S. Armed Forces on account of his or her military service—a hate crime that is of particular interest to the armed services.

According to the FBI, the trend is up for hate crimes based on sexual orientation. There has been a 6-percent increase in such crimes in the most recent year for which statistics are available, which is the year 2006. This is a category of hate crimes that would be covered for the first time by this bill.

The language has been written to ensure it does not intrude on first amendment rights, that State and local law enforcement retain the primary jurisdiction over investigations and prosecutions.

We all know Senator Kennedy was long the Senate's leading advocate for hate crimes legislation. As he said when the Senate debated and passed this legislation in 2007:

> America has taken many steps throughout our history on a long road to becoming a more inclusive Nation, and our diversity is one of our greatest strengths. Our tolerance for each other's differences is part of the lamp that can help bring light to a world which is enveloped in bigotry and intolerance.

The enactment of the Hate Crimes Prevention Act through this, which is the last National Defense Authorization Act in which Senator Kennedy participated in his 26 years of service on the Armed Services Committee, would be a fitting tribute to one of the truly great Senators in the history of this body.

Finally, I thank Senator LEAHY for the leadership role he has played on this issue in his capacity as chairman of the Senate Judiciary Committee.

As of today, we have almost 130,000 U.S. soldiers, sailors, airmen, and marines on the ground. Over the course of the next fiscal year, we will undertake the difficult task of drawing down these numbers—these are numbers in Iraq—while maintaining security and stability on the ground. At the same time, we have dramatically increased our forces in Afghanistan, with more than 60,000 engaged in increasingly active combat and combat-support operations, with more on the way.

This conference report includes numerous provisions that need to go into effect immediately to ensure that they benefit our troops immediately. These provisions cannot be implemented before this conference report is enacted but will go into effect, without the need for appropriations, immediately upon enactment.

They include the following in the area of compensation and benefits. The conference report includes provisions that would prevent the implementation of large increases in the copayments military retirees must pay for in-patient care at civilian hospitals under the TRICARE Program; provisions which would authorize new special compensation for caregivers of catastrophically injured servicemembers; and a provision which will increase the maximum amount of supplemental subsistence allowance to ensure servicemembers do not have to rely on food stamps to meet their nutritional needs. Those important provisions and others which I am going to now talk about will not go into effect until this conference report is enacted.

With regard to our efforts in Iraq and Afghanistan, the conference report includes provisions that will immediately go into effect without the need for appropriations.

For instance, there is a provision which would authorize the Secretary of Defense to transfer defense equipment that would otherwise be withdrawn from Iraq and transfer it to the security forces of Iraq and Afghanistan, their national forces. The use of that equipment by those national forces in Iraq and Afghanistan will assist in the transfer of security responsibilities to the Iraqi forces and the growth of the Afghan Army and police forces more quickly.

Another provision which will go into effect immediately upon enactment would allow the Secretary of Defense to use funds from the CERP in Afghanistan to pay for reintegration programs to separate local Taliban fighters from their leaders. This is a new program modeled on the Sons of Iraq Program which was so successful in getting large numbers of young Iraqis who had been attacking us to switch sides and support the government. These are two programs which I think people strongly support regardless of their position on the question of strategy and the troop levels. Those provisions will make it possible, immediately upon enactment, to use funds to support the reintegration of those young Afghans into their civilian life, just the way we did with the Sons of Iraq.

This provision will permit the shipping of equipment that is so important to strengthen the Afghan Army and police from Iraq instead of bringing it home. These are critically urgent provisions, particularly in Afghanistan.

Another provision, as soon as a conference report is enacted, would permit the Secretary of Defense to use up to $500 million in operations and maintenance funds to meet urgent military construction needs of the commander of the Central Command in Iraq and Afghanistan that were not previously forecast. But these new authorities are not there until the conference report is enacted.

As I mentioned earlier, this bill includes the Military Commissions Act of 2009, which is needed to make trial of detainees by military commissions a viable alternative to trial in Federal court. Until it is enacted, any conviction obtained before a military commission will be at serious risk of being overturned on appeal. For that reason, the administration has suspended all military commission trials until this language goes into effect.

We have enacted a defense authorization bill every year for almost 50 years now. We have done so because Members of Congress have understood, on a bipartisan basis, the importance of supporting our troops and making the policy decisions that are necessary to support them. This year is no different.

With almost 200,000 men and women of the Armed Forces currently serving in Iraq and Afghanistan and many more supporting them and engaging in other demanding activities on our behalf and their behalf around the world, we cannot afford not to enact this legislation.

For all these reasons, I would urge our colleagues to vote for cloture on the conference report and then to adopt the conference report itself.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield myself such time as I may consume.

Today, the Senate begins consideration of the conference report to accompany this year's national defense authorization bill providing our soldiers, sailors, airmen, marines, and their families with the support they need and deserve. This is a responsibility I do not take lightly, especially during a time of war. It is a responsibility my good friend and colleague Senator LEVIN understands very well. I thank and commend Senator LEVIN for his skill in shepherding this bill through the conference process in a bipartisan fashion. I thank Senator LEVIN for his leadership. I thank him for his commitment to the men and women who are serving in the military and the long relationship we have enjoyed working together as colleagues in that effort.

The conference report largely supports the defense priorities laid out by Secretary Gates and authorizes over $550 billion in base program funding for the Department of Defense and the national security programs of the Department of Energy.

Additionally, the legislation authorizes over $129 billion in overseas contingency operations funding for ongoing activities in Iraq, Afghanistan, Pakistan, and other regional operations and support of the war on terrorism.

The conference report demonstrates our bipartisan support for the men and women of the Armed Forces and their families and provides them with the pay, benefits, equipment, and training they need and deserve.

The report increases benefits for our wounded warriors and provides an across-the-board pay raise for our military.

The report terminates production of the F–22 aircraft, contains no funding for additional C–17 cargo aircraft, provides full funding for procurement of 30 Joint Strike Fighters, and fully authorizes funding to train and equip the Afghan National Army and police forces.

I am disappointed that we are unable to eliminate funding for the continued development of the alternative engine for the Joint Strike Fighter. As Secretary Gates said, ''This program is unnecessary and could disrupt the overall

JSF Program by diverting resources away from efforts needed for the continuation of that program.''

During the more than 20 years Senator LEVIN and I have worked together, we have had our share of respectful disagreements, and this year is no exception. I strongly disagree with the majority's decision to include hate crimes legislation in the national defense authorization bill. I have consistently opposed attaching hate crimes legislation to the national defense authorization bill in years past. This year, I again objected to the inclusion of this nongermane, nonrelevant language as an amendment to the defense authorization bill when the bill was being considered on the floor of the Senate. Today, I remain strongly opposed to its inclusion in the conference report. The defense authorization bill is not the appropriate vehicle for consideration of hate crimes legislation. It is not germane to the work of the Armed Services Committee. The stand-alone legislation, S. 909, has not even been considered by the Senate Judiciary Committee, where it could have been debated, modified, improved, and brought to the floor of the Senate. What we are doing here is an abuse of the Senate process.

I also object to the language itself because it would create a new Federal crime for willfully causing bodily injury to any person due to the actual or perceived race, national origin, religion, or gender identity, sexual orientation, or disability of any person.

I do not believe an expansion of the Federal criminal code is necessary to cover a certain class of citizens from ''perceived injustices.''

Let me tell you one of the biggest problems I have here. We have now seen a virtual disappearance of authorization bills for various functions of government from Senate consideration. We have done that because extraneous and nongermane issues have been raised on those authorization bills. I don't remember the last time we had authorization bills for foreign operations out of the Foreign Relations Committee. I don't know when we have had authorization for other branches of government. The reason is because they always get bogged down in extraneous amendments on both sides. I am not placing the blame on the other side. I am placing the blame on both sides. This then bogs down the legislation which then, because of the exigencies of time, means we are not able to address the proper authorizing process for many functions of government. That, then, throws it all into the appropriations process. Of course, that is now an enormous shift of power and authority and responsibility from the authorizing committees, in whom the responsibility should lie, to the appropriating committees which are simply only supposed to appropriate money for previously authorized functions of government. I worry a great deal about that.

The only bill that has been consistently passed for many years through the Senate and into law is the Defense authorization bill. The Defense authorization bill is vital. We are now starting a very dangerous precedent by adding a very large and controversial provision, which is nongermane and nonrelated to defense, to a Defense authorization bill.

As my friend Senator LEVIN will point out, there have been other times where provisions have been added to this bill which were nongermane. Nothing of this magnitude, nothing of the controversy that is associated with the hate crimes legislation which was tacked on to this bill without any consideration in the committee itself. There was no committee consideration. When the bill came to the floor, bang, the first amendment out of the box was the hate crimes legislation which, of course, tied up the legislation for some days.

I understand the realities around here. I know what majority votes are. I know what majority membership in this body means. It was jammed through. I want to tell my colleagues, if we allow hate crimes to be added to this Defense authorization bill, what is next? What pet project or legislation on the part of the majority leader or the majority will be included in the next authorization bill?

If this legislation is signed into law, it will force police and prosecutors to treat identical crimes differently depending on a police officer or prosecutor's determination of the political, gender, philosophical, or even religious beliefs of the offender. Our legal system is based on identifying, capturing, and punishing criminals, not on using the power of government to divine biases. Crimes motivated by hate deserve vigorous prosecution, and I strongly support punishing those who commit such heinous acts under existing laws. Moreover, I am committed to a full and transparent debate on the issue. But I strongly oppose using the men and women of the military as the vehicle to pass this controversial and partisan legislation.

The Detroit News editorialized:

> Certainly, threats of violence or violence against individuals for any reason should be prosecuted to the full extent of the law. Not, however, because the victims are members of a particular race or sex, adherents of a particular religion or are gay. These crimes should be punished because the victims are uniquely valuable individuals who deserve the protection of the law solely on that basis. The idea of special prosecutions for ''hate crimes'' is inherently divisive.

I am pleased the conference report does retain some legislative language offered by Senator BROWNBACK during Senate debate on the bill. The Brownback language clarifies that nothing in the hate crimes legislation language shall be construed as an infringement on Americans' first amendment rights. Additionally, his amendment ensures that nothing in the hate crimes language should be construed to overturn ''the Religious Freedom Restoration Act of 1993'' that ensures our laws do not substantially burden Americans' free exercise of their religion.

The majority had the votes in July to add hate crimes to the Senate bill, and I am sure the majority will again have the votes today to invoke cloture on the conference report containing hate crimes language. It is indeed, unfortunate, that we are using the brave men and women in uniform as leverage to pass hate crimes legislation.

This legislation should have gone through the Judiciary Committee. That is the oversight committee. That is the committee of jurisdiction. I know my colleagues who are here on the floor will be justifying this legislation on the grounds of how badly it is needed. I say to the majority, who controls the legislative schedule here, they could have had this bill through the Judiciary Committee and on the floor of the Senate and passed in the Senate in the proper fashion and not put hate crimes on a bill that cares for the men and women serving in the military today. I worry a great deal about the precedent we will be setting by including an incredibly controversial piece of legislation in the Defense authorization bill which provides for our first and foremost obligation, and that is to secure the safety and welfare of our fellow citizens.

Finally, I believe it is important to note that the Defense authorization bill has been the only authorization bill that the U.S. Congress has consistently passed every year. Other authorization bills have often fallen under the weight of provisions inserted into must-pass bills that are not relevant to the legislation and highly controversial. The lives of our men and men serving abroad literally depend on our ability to consistently and reliably pass this authorization bill every year. I am not willing to take a gamble with our troops. For these reasons I cannot in good conscience vote to support the motion to invoke cloture on this bill, and I encourage my colleagues to do the same.

Prior to the final vote on passage of the conference report, I plan to speak in more detail about the overall bill and the commitment we have made in this conference report to do everything possible to ensure our soldiers, sailors, airmen, and marines receive the support they deserve and need, as well as a message we need to send those brave men and women and their families whom we support and stand behind.

I will vote against cloture. I will vote for final passage of the legislation in deference to our need to care for the men and women who are serving. I also would point out that if cloture is not invoked, we could immediately pass a resolution reconvening the conference and get this bill done today. But that is not going to happen, unfortunately.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I ask unanimous consent to speak for 10 minutes.

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

Mr. INHOFE. Mr. President, I did not sign the conference report on this legislation. I did not do it for a number of the same reasons articulated by the Senator from Arizona.

There are some good provisions in this bill. It does increase the size of our military, the Army, Marines, Air Force, and the Navy. Specifically, it authorizes 30,000 new additional Army troops through fiscal years 2011 and 2012 but provides no funding, which means the Army is going to have to take it out of its hide somewhere else. This concerns me.

It does provide a pay raise. That is good. It improves TRICARE eligibility. It adds eight congressionally appointed members to the independent panel that will consider the Quadrennial Defense Review. That was a program of Senator THUNE's. It does do that. That is good.

It provides $350 million to train and equip. Train and equip has been one of my favorite programs for a long period. It is one that we are getting the most out of right now. I am pleased that is in there. It also adds some funding for the new AFRICOM, African Command. It used to be divided into three different commands—the European command, the Pacific command and Central Command—but now it is in one. However, even though AFRICOM is good, and General Ward is doing a great job, it was not adequately funded in terms of resources. Now it is much better. We have extra funding in there.

Having said that, I would have to say that on modernization and the things I have been trying to do since I have been serving in this body and on the Armed Services Committee, military modernization has been kicked down the road. It seems all we ever do around here is take care of what is on fire at any given time.

President Obama said, in his February 2009 speech to a joint session, that he would push for removal of Cold War era equipment we do not need. I agree with that statement. That is not what this legislation does though. We are still using the Bradley fighting vehicle and the M1 Abrams tank, both developed in the 1970s and 1980s. The Army's Paladin howitzer was developed in the 1950s back when I was in the Army. We do have the Paladin Integrated Management, P.I.M., program to upgrade it but, nonetheless, there is no current modernization plan to replace that cannon. It terminates the C–17 program. Fortunately, we were able to get some things in Defense appropriations to correct that and add funding for additional C–17s. It terminates the F–22 program. I can remember when that program was first introduced. We were going to have some 900 aircraft. As it turned out, that was dropped down to 750 and has now been reduced to purchasing only the 187 aircraft already produced. Let's keep in mind that the F–22 is the only fifth-generation fighter we have, and other countries—China and Russia—are cranking theirs out now.

I think the worst part of this, though, was what they did to our missile defense system. The chart is complicated but it shows that during the boost phase, we have two capabilities—the airborne laser and the kinetic energy interceptor. Those were, for all practical purposes, terminated with this bill. That is the easiest and earliest phase to knock down an incoming missile, if you can get it during the boost phase. It cut down the number of missile interceptors in Alaska and California from 40 to 33. But to me the worst part is—and we have talked about this on the floor over and over—it eliminated our ground-based interceptor capability that was ongoing in Poland and the Czech Republic. I was there when this European plan was first being discussed.. I talked to the Polish Parliament as well as the Czech Parliament to encourage them to let us have that capability. I remember a member of the Parliament asked me: Are you sure that if we do this and take a controversial position in allowing an interceptor capability to take place, that America won't back down? I said: I am absolutely certain we won't. Obviously, we did back down. I am very much concerned about that. I wish there were time to go into it. There is not.

I will say this: We are pretty well protected with our capability, even though they decreased the number of interceptor missiles in Alaska and California in this legislation. But the interceptor missiles based in Alaska and California are intended to protect against missile threats from the west of the United States from Asia. Something coming from the East is a different situation. We needed this added capability and protection. I know the administration says that we already have the capability of knocking down a short and medium-range hostile missiles with our PATRIOT missiles, our THAAD system and our SM–3. The problem with that is, those systems do not adequately address the long-range missile threats from nations like Iran. Our intelligence says Iran is going to have a long-range missile capability by around 2015. If we had stayed with our program to have this capability in Poland and the Czech Republic in advance of that, we would have the capability of knocking down an ICBM coming toward the United States.

As it is now, we will not have until around 2020. If our intelligence estimate is right, that means we have a 5-year period, between 2015 and 2020, where we are pretty much naked on the east coast and Europe against long-range missile threats.

Let me ask, because I know there is another Senator who wants part of this time, how much time remains on our side?

The PRESIDING OFFICER. There is 11½ minutes.

Mr. INHOFE. I am very much concerned about some of the other things that have been approached in this legislation. One is the lack of testing capability for our existing stockpile of nuclear capability.

I am concerned about the additional money, some $560 million, to continue development and procurement of the alternate engine for the F–25 Joint Strike Fighter. We debated this over and over again. The end result would be, if this continues in the way it is right now, it would eventually knock us down by about 50 F–35 aircraft. This is something that should not take place.

While this authorization bill does prohibit the Gitmo detainees coming into the United States, it does allow for detainees to be transferred into the United States 45 days after the President has submitted a plan to Congress. It does not say that Congress has to approve the plan, just that they must submit the plan to Congress. Anytime I look at what has happened and the capability we have there at Gitmo—and to think we would shut it down for no reason I have ever been able to determine—that is concerning.

The last thing I would mention is, if we look at our responsibility of defending America, we are down now to a very small percentage of GDP compared to where we have been in the past. During the gulf war, our defense spending was 4.6 percent. It was 6 percent during the buildup of the Reagan years. If this trend continues on the road we are on now, it would be at 3 percent of GDP by 2019.

I would only remind you, Mr. President, we went through this same thing back at the beginning of the Clinton administration. As this chart shows, this line right here is a baseline. The Clinton budget is the red line down there. So we are talking about a degradation of some $412 billion in that period of time.

On the heels of that—I remember so well the jubilant cries that: The cold war is over. We don't need a strong defense anymore. I see that same sentiment coming on the horizon. I am very much concerned about that.

For that reason, I will be opposing the vote we will be facing in a short period of time. There still is time to send this back to conference and get some of those things taken care of. I would encourage our colleagues to give us the opportunity to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, very briefly, I yield myself just 1 minute. There is no conference to send this back to. The conference, by rules, has been disbanded.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I am frustrated and disappointed that I would be in a position to vote against

cloture on this legislation. I have been a member of the Armed Services Committee now for 12 years. I have voted in favor of passing the National Defense Authorization Act each of those 12 years. I am particularly concerned that I would feel compelled to oppose the passage of this conference report this year.

I will vote against cloture because I am deeply troubled that we are moving away from the longstanding tradition of passing bipartisan legislation that sets aside partisan politics in favor of providing funding for our men and women in uniform. I am sad to say that in this case the desires of a few have overridden that tradition. The result of that decision is before us in the conference report.

The inclusion of the controversial language of the hate crimes legislation, which is unrelated to our national defense, is deeply troubling. I think we will be setting a dangerous precedent by including such extraneous legislation on a most important authorization bill the body passes every year.

I count myself as an ally of our men and women in uniform. I work for them, feel compelled to support them in every way possible. I certainly do not mean to disrespect them and all the good things that are in this bill. But let me just say, one reason we have had such good support for the Defense authorization bill and are able to pass it every year, when bills like the foreign relations authorization bill almost never pass because that bill and so many other authorization bills get larded up with all kinds of pork and special interest, extraneous legislation, and they become so controversial they do not pass—our unwritten but firm principle has been: Let's keep the Defense bill a clean bill that focuses on our men and women in uniform. And just because you or some Senator in the body has a piece of legislation they strongly favor, that does not mean it should be added to the Defense bill, because others may feel just as strongly in opposition. So it creates a real problem for us.

I will just say that the train on which this Defense bill annually moves forward is a powerful engine. It has always been known that if you are able to get your legislation on the Defense bill, then few Senators are going to vote against it even if they do not agree with that particular piece of legislation. They want to vote for the Defense bill.

In a bipartisan way, we have recognized—and not perfectly—if we want to make sure this bipartisan strength and support for our men and women in uniform and our national defense is maintained, we do not need to load up that train with extraneous, controversial pieces of legislation. That is a great disappointment to me.

I hope by raising this objection clearly—and I appreciate Senator MCCAIN doing so—we will begin to send a message that: Let's not do this again because it can endanger the success we have had over the years.

This legislation was included despite the opposition of both the chairman and the ranking member of the House Armed Services Committee and certainly the ranking member of the Senate committee, Senator MCCAIN. It is my understanding that the leadership—I guess the Speaker and the majority leader are the ones who insisted this legislation, this hate crimes bill, be added to it. Specifically, Chairman IKE SKELTON, the Democratic chairman in the House, on October 8, said:

> Finally, regarding the Hate Crimes Prevention Act, I have said several times that I would have preferred it to have been enacted as a stand-alone bill.

Well, I think that is certainly what we all felt. But somehow that did not happen. It has been added to the legislation.

On July 20 of this year, I gave a lengthy statement I am sure few listened to and even fewer read discussing hate crimes legislation and the constitutionality of it, the need for it or lack of need for it. I pointed out a number of things that I think were very important to considering the legislation. One of them I will just note is a report by the U.S. Commission on Civil Rights.

I oppose the legislation. I do not think there was any showing—as a matter of fact, there was no showing—of a failure of State and local prosecutors to prosecute these cases. I asked the Attorney General himself, Mr. Eric Holder, to list the cases he named, and he listed five. We checked all those cases in the last 5 years, and they were all prosecuted, and most resulted in conviction and jail time. So it is not as if these cases were not being prosecuted.

This has a political dimension to it, frankly, more than a legal dimension. Six of the eight members of the U.S. Commission on Civil Rights signed a strong letter to the President and to the Judiciary Committee opposing this legislation. They went on to say in their letter that:

> While the title [of this legislation] suggests that it will apply only to ''hate crimes,'' the actual criminal prohibitions contained in it do not require that the defendant be inspired by hatred or ill will in order to convict. It is sufficient if he acts ''because of'' someone's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability.

The letter goes on to say:

> Rapists are seldom indifferent to the gender of their victims. They are virtually always chosen ''because of'' their gender.
>
> A robber might well steal only from women or the disabled because, in general, they are less able to defend themselves. Literally, they are chosen ''because of'' their gender or disability.

The letter goes on to say that this piece of legislation would make every rape in America be declared a crime under this bill because it is an act against someone because of their gender.

So on the merits, I am concerned about the legislation. I am concerned about its constitutionality. There is a lack of interstate nexus. Unlike the 1968 Civil Rights Act—which was needed and did fill a gap because there was clear proof that serious crimes committed against African Americans and other minorities were not being prosecuted. They had proof of that and could show that. So the Federal legislature, through narrowly crafted legislation to protect the movement and free exercise of civil rights by minorities in this country, passed a civil rights bill that I think has been upheld as constitutional. But this bill is much broader, much less narrowly tailored, and much less defensible.

So I will just say, Mr. President, I am proud we have a good pay raise in the legislation. I am proud there are some good things in it. I am disappointed, as Senator INHOFE said, about the missile defense issue and the lack of funding to update our nuclear stockpiles, which is becoming a critical issue. Overall, I am supportive of the legislation, want to be supportive of it, but I want to be crystal clear that we should not head down this road where we allow the addition, through a defense bill, of controversial legislation such as this.

Mr. President, I thank the Chair and yield the floor.

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

The Senator from Michigan.

Mr. LEVIN. Mr. President, how much time remains?

The PRESIDING OFFICER. Ten minutes.

Mr. LEVIN. How much on the other side?

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

Mr. LEVIN. Mr. President, I am going to be very brief and will not use the 10 minutes, unless there is somebody else who wishes to speak in support of the motion to invoke cloture.

I yield myself, Mr. President, 6 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LEVIN. Just very briefly, let me say that the Senate has adopted hate crimes legislation on a defense authorization bill, I believe, three times. This is not the first time we would do this. It is not the second time we would do this. So it is not unique. It is not unusual. It is not unprecedented.

It is important that we provide the same kind of protection for the additional groups who are being protected under this legislation, including groups who would be attacked physically based on sexual orientation.

It would protect men and women in uniform for the first time from these kinds of hate crimes. That is something in which the Armed Services Committee has a special interest. The language has been written to ensure that it does not intrude on first amendment rights, that State and local law enforcement retain primary jurisdiction over investigations and prosecutions. It would punish violent acts

only, not beliefs. No Federal prosecution could take place under the provision unless the Justice Department certifies that the State in which the hate crime occurred either does not have the jurisdiction, has asked the Federal Government to assume jurisdiction, or has failed to vindicate the Federal interest against hate crime motivated violence or that a Federal prosecution is necessary to secure substantial justice. Senator Kennedy was the champion of this provision. Over and over again, he attempted successfully in the Senate to get this kind of language adopted. He pointed out, and I think with eloquence that is unmatched, that the values men and women in uniform fight for are these kinds of values: the value of diversity, the value of nondiscrimination. To say this has no place on this bill, it seems to me, is wrong for that reason as well as a number of other reasons.

We have had strong support for this provision from the Department of Justice and from law enforcement groups across the country that want this kind of support. The Senate, again, has authorized this legislation on the Defense authorization bill and has supported it twice before. This is at least the third time now that it is part of this bill. There are good reasons for it being part of Defense authorization, one of which is the values that are reflected here that when the men and women put on the uniform of our country, they fight to protect.

This would be a real tribute to Senator Kennedy for this language to be included. I remember going over with him to urge the House to adopt this language a couple years ago. The House did not do it then, although we in the Senate did do it. But now the House has adopted it. The Senate voted on this language just a few weeks ago with, I believe, 63 votes to incorporate this language into the Defense authorization bill. So we have already voted to do this. There is nothing unique or unprecedented about doing it again.

I hope we will invoke cloture. The stakes are huge. When I spoke before, I was quoting some of the things this bill will provide which are essential.

Now, some of the things in this bill required an appropriation. The Appropriations Committee hasn't acted on—excuse me—we haven't adopted an appropriations bill yet. Those things are not going to be held up if we don't pass this bill today, but there are a few things that will be held up. Our veterans are going to have to pay more for prescriptions and copays if we don't act on this bill, and acting on this bill will prevent that increase in copays without an appropriation.

We all talk about the importance of getting to Afghanistan equipment that is in Iraq. This bill has language which will permit that to happen. There is great disagreement as to what the right policy is in Afghanistan, but there seems to be no disagreement that we ought to strengthen the Afghan Army. One of the key ways to strengthen the Afghan Army is to get them equipment that is currently in Iraq which, if we don't pass this bill, is going to have to be shipped back here not only at great expense but also denying to the Afghan Army that we are trying to build up the kind of equipment that will make it possible for them to assert greater control for the security of their own country. That equipment cannot be transferred until this bill passes because that is nonexcess equipment. The moment this bill passes and is signed by the President, that equipment can be shipped to Afghanistan. That will protect our troops.

To try to pass another bill—have the House pass another bill, have another conference created if we can get one, have the conference, go through the process of conferees—is going to deny and delay an essential item going to Afghanistan to help protect our troops and our interests.

We talk a lot about: Why can't we do in Afghanistan what they did in Iraq? Why can't we have the Sons of Iraq be the Sons of Afghanistan? Why can't we put a policy in place which will attract those young Afghans who are on the payroll of the Taliban not because they believe in the extreme religious fanatic position the Taliban takes, but because it is a check or, more importantly, more accurately, cash they can put in their pockets?

With the Sons of Iraq we were able to wean away from the attackers, the people who hated us, 100,000 young Iraqis because we had a program which would help to fund that. This bill contains the authorization for our commanders to use CERP funding for that purpose. That is going to support our troops. Those funds can't be used until the President puts his name on this bill. Delaying that jeopardizes our troops, jeopardizes our interests, and it is one of the many essential provisions in this bill, and until they become law cannot be put into effect. But the moment it does become law, if and when it does, it can be placed into effect.

So the stakes on this first vote are great. If we delay adopting this bill by not adopting cloture, we are going to be taking a step backwards in terms of the support of our troops and our interests in Afghanistan and Iraq. The delay is unacceptable. I hope our colleagues will vote for cloture.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. 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. LEVIN. Mr. President, I yield back the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired.

Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

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 Conference Report to accompany H.R. 2647, the Department of Defense Authorization Act for Fiscal Year 2010.

Harry Reid, Ben Nelson, Benjamin L. Cardin, Byron L. Dorgan, Robert Menendez, Richard J. Durbin, Charles E. Schumer, Tom Harkin, Evan Bayh, Patrick J. Leahy, Jack Reed, Robert P. Casey, Jr., Roland W. Burris, Edward E. Kaufman, Paul G. Kirk, Jr., Barbara Boxer, Sheldon Whitehouse, Carl Levin.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 2647, the National Defense Authorization Act for Fiscal Year 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. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''nay.''

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

The yeas and nays resulted—yeas 64, nays 35, as follows:

[Rollcall Vote No. 326 Leg.]

YEAS—64

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Bayh	Inouye	Pryor
Begich	Johnson	Reed
Bennet	Kaufman	Reid
Bingaman	Kerry	Rockefeller
Boxer	Kirk	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Byrd	Landrieu	Snowe
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Collins	Lincoln	Udall (NM)
Conrad	Lugar	Voinovich
Dodd	McCaskill	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murkowski	
Gillibrand	Murray	

NAYS—35

Alexander	Crapo	Kyl
Barrasso	DeMint	LeMieux
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brownback	Feingold	Risch
Bunning	Graham	Roberts
Burr	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hutchison	Thune
Cochran	Inhofe	Vitter
Corker	Isakson	Wicker
Cornyn	Johanns	

NOT VOTING—1

Hatch

The PRESIDING OFFICER. On this vote, the yeas are 64, the nays are 35.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

HONORING SENATOR DANIEL INOUYE

Mr. REID. Mr. President, our colleague, Senator DAN INOUYE, has earned, on the field of battle, the Bronze Star, the Purple Heart, and the Congressional Medal of Honor. The man we work with on a daily basis is an American hero. He has earned the admiration, respect, and trust of the people of Hawaii and the entire Nation.

Today he has reached another milestone. He becomes the third longest serving Senator in American history.

(Applause.)

Every day since January 3, 1963—46 years, 9 months, and 20 days—Hawaii has been proud to call DAN INOUYE their Senator. There has certainly never been a Senator such as DAN INOUYE. He holds many distinctions no one else can claim or will claim: He has represented the people of Hawaii since Hawaii became a State. He was Hawaii's first Congressman and is its longest serving Senator. He was the first Japanese American to serve in the House and the first Japanese American to serve in the Senate and first chairman of the Senate Select Committee on Intelligence.

Just as he today becomes the third longest serving Senator, he also ranks third all-time in the number of votes cast in the Senate, behind only Senators BYRD and Thurmond. That means the senior senator from Hawaii has cast more votes than any Senator west of the Mississippi.

Today's vote by Senator INOUYE, which was the last vote cast—one of America's most accomplished veterans, and that is an understatement—was on the Department of Defense authorization bill. It was his 15,507th vote.

The good people of the great State of Hawaii thank Senator INOUYE for his continued service. The American people thank him for his courage and his leadership. I thank him—from the day I entered this body, there is no one who has been more cordial, more of a gentleman than the man we know who has a Congressional Medal of Honor, DAN INOUYE.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I say to my good friend from Hawaii, I addressed this issue we are discussing now in my opening remarks this morning. I congratulate him for achieving this milestone. He has been an inspiration not only to Members of the Senate but to many Americans throughout his life, beginning, obviously, with his extraordinary service for our country during World War II.

As I indicated to my good friend, I addressed this earlier today. I wish to join with others in congratulating him on this important milestone he has achieved today.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I also add my voice, support, and praise for our colleague, Senator INOUYE of Hawaii, who now becomes the third longest serving Member of this great body. DAN INOUYE has spent his life fighting for freedom, democracy, and equality in uniform, as a Member of Congress and the Senate.

Senator DANIEL INOUYE may be the only American who saw with his own eyes the smoke from Pearl Harbor and the black smoke that rose from the Pentagon on 9/11. On both of those terrible days, when the Nation he loved was under attack, DAN INOUYE stood ready to protect and serve this great country. I am honored to call him a colleague.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I rise to congratulate and bring my aloha to my good friend, brother, and colleague, Senator INOUYE, on reaching this impressive milestone today, becoming the third longest serving Senator in U.S. history. His dedication to public service and to this great country is an inspiration to me and to many others.

Senator INOUYE has been in Congress ever since Hawaii became a State in 1959. He has been here for 46 years, 9 months, and 20 days. He was in the House and then joined the Senate 3 years later.

This historic milestone would be impressive on its own, but it is truly amazing when one considers Senator INOUYE's background: a Medal of Honor recipient who lost his arm fighting for America in World War II. He fought for our country while fellow Japanese Americans were being interred in our country.

He then became the first Japanese American in Congress. He has fought for our country in battle and in the Congress as well.

Senator INOUYE will continue working for Hawaii and the United States for many more years to come. It has been a pleasure serving with him in these years representing Hawaii.

I, again, extend my aloha, my congratulations to Senator DAN INOUYE, and ask for God's blessing upon him and God bless America.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, one thing Senator INOUYE has established is that you do not have to be a Democrat to love DANNY INOUYE. He is not only revered here for his knowledge and for his leadership but for his affection and to all things we care about, and people on the other side of the aisle confirm that in their respect for DANNY INOUYE.

DANNY, as we affectionately know him, and I and Senator AKAKA are the three remaining veterans of World War II in this place. We treasure every moment we have together. I particularly am in debt to DANNY INOUYE for his unique capacity to listen, to think quickly on his feet and come up with the right answers.

DANNY, we congratulate you. We look forward to your ascension to even higher standing with longevity in this body and, quite frankly, I hope to be here with you. Congratulations.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, this day I am reminded how grateful I am to the people of Hawaii for honoring me all these years. I just hope my work here has returned this great favor they have given me.

I can think of many good things that have happened, but the thing I will always cherish is the friendship of my colleagues—friendship that extends on both sides of the aisle. I think that is the way we should look upon the Congress and the Senate. Therefore, I am pleased that as chairman of the Appropriations Committee, I can tell one and all that out of the 12 bills, 10 were reported out unanimously, 2 with 1 opposition. That is bipartisanship, and we intend to keep it that way.

Once again, I thank my colleagues for their many courtesies and today they have honored me greatly. Aloha.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, may I inquire, what is the business before the Senate?

The PRESIDING OFFICER. The conference report to accompany H.R. 2467.

Mr. CHAMBLISS. Mr. President I rise, regrettably, to oppose the conference report for the fiscal year 2010 National Defense Authorization Act. For the record, this will be the first Defense authorization bill I have voted against in my 15 years in Congress.

There are many provisions in this bill with which I agree and strongly agree that represent major steps forward in support of our men and women in uniform and the national security responsibilities of the United States. For example, the bill includes a significant pay raise for our troops, re-authorizes numerous bonuses and special pays, authorizes billions of dollars of much needed military construction, both in the United States as well as overseas, and authorizes $6.7 billion for Mine Resistant Ambush Protected Vehicles or MRAPs.

Also, the bill includes the Military and Overseas Voting Empowerment Act, which I worked on in conjunction with Senators SCHUMER, BEN NELSON, CORNYN and BENNETT and which was cosponsored by over half this body. The MOVE Act is one of the most substantive and comprehensive military and overseas voting reforms we have seen in years. It will fix a significant problem we have had in this country, that of the men and women of our military; who are putting their lives in

harm's way being denied the ability to, No. 1, have the opportunity to vote, and No. 2, to have their vote counted.

However, the bill includes at least three provisions which I strongly oppose, and for those reasons I cannot support this final bill.

First, the bill includes hate crimes legislation, which I firmly believe is unnecessary, irresponsible, and certainly not germane to this bill. There is little evidence that indicates that violent crimes, motivated by hate, go unpunished in the United States. Every single State has criminal laws that prohibit the antisocial behavior addressed by hate crimes legislation, including laws against murder, rape, arson, assault, and battery.

I oppose the creation of Federal hate crimes legislation for several reasons. First, I do not believe the Federal Government should interfere with the criminal laws already on the books in our States.

Second, this hate crimes legislation would establish a protected class of crime victims who would receive special protection under the law.

Finally, we already have laws to prosecute individuals who commit violent crimes. Those people guilty of violent crimes against anyone should and will be prosecuted under existing law and should be punished to the hilt when found guilty. For all these reasons, I strongly oppose the hate crimes legislation in this bill.

Secondly, the bill contains no funding for the procurement of additional F–22s. On May 19, 2009, the Chief of Staff of the Air Force, General Schwartz, affirmed under oath that 243 is the right number of F–22s to have in our inventory. Nevertheless, inclusion of additional F–22 funding received a veto threat from the administration and funding was stripped out of the Senate bill after an unbelievable lobbying effort coming out of the Pentagon and the White House.

I readily acknowledge there is a difference of opinion on this issue and that others do not necessarily share my views on this subject. However, what I will not acknowledge is that support for additional F–22s is simply an example of doing business as usual and the influence of special interests. Congress is entitled to disagree with the executive branch on significant procurement and policy decisions, and there are countless examples of where we have done so and history has proven Congress to be right. Time will tell, but the F–22 may very well be an example of where the supporters of the program were, without question, correct.

I hope we are never put in a position as a country where we once again must fight to maintain air dominance, but there is not a single weapon in our inventory that ensures that we will maintain air dominance other than the F–22. The F–35 is a great weapon system, but we now know it is going to be delayed by 2 years.

It was kind of interesting that the announcement on the 2-year delay on the F–35 came out about 3 or 4 days after the final vote on the Defense authorization bill on this floor. But the F–35 is an air-to-ground weapon system that will not guarantee us the air superiority the F–22 will. If we are going to rely on 187 F–22s from an air dominance standpoint in every potential sector of the world, against every potential adversary, it is simply not enough. General Schwartz was right when he said 243 is a more correct number. I believe stopping production at 187 puts our Nation at high risk in the near to midterm, and there is no reason our Nation should accept that amount of risk given our global responsibilities.

Third, section 1041 of the bill provides for the transfer of Guantanamo detainees to the United States. While the bill specifies conditions for transfer as well as requiring a plan for each detainee who is transferred; the bill nevertheless allows for the transfer of those detainees. The conditions for the transfer of those detainees are similar to those that are present in the fiscal year 2010 Department of Homeland Security appropriations bill which I voted against earlier this week.

I made a much more detailed statement at that time about my reasons why I was voting against that bill relative to this issue of the transfer of Guantanamo detainees to the United States, but that bill authorized the transfer of detainees to the United States for the purpose of prosecuting the detainees or for detaining them during legal proceedings. This bill allows the transfer of detainees not just for that purpose but for any purpose. This will allow those detainees to have access to U.S. criminal courts, which I strongly oppose, because these are individuals who were arrested on the battlefield, not by the FBI or local police or any other law enforcement agency inside the United States. These are battlefield combatants. This also goes against the will of the American people and opens up the possibility that these detainees may one day be released in the United States. Therefore, I cannot support this provision in the underlying bill.

Mr. President, I strongly support our troops, and I support the missions we have asked them to carry out. Shortly, I will be going back to Afghanistan for my third trip. I also have been to Iraq on eight different occasions, and I get very emotional and excited about the opportunity to look our men and women in the eye, with their boots on the ground, and tell them how much we Americans appreciate the great job they are doing. I am going to continue to support them in every way possible. But the fact is, here we have provisions in a Defense authorization bill that go against the will of the American people and that, frankly, don't have much of anything to do with our troops in theater as well as our troops here.

So, Mr. President, regrettably, I am going to be opposing this bill on the grounds of the issues I have outlined.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, I am a student of history and a firm believer in applying the lessons of history to present planning and to future planning. There is no profit—none—in making the same mistakes over and over. There is no future—none—in building on a foundation of shifting sand. Our military planners and our Afghanistan policy analysts, as well as Members of this Senate, would do well to spend some time considering the history, the geography, and the cultures of Afghanistan.

Throughout the long centuries, Afghanistan's geopolitical value has been its location along the great Silk Road that carried both trade goods and armies between Europe and Asia through the forbidding Hindu Kush mountains. Afghanistan has limited natural resources. Afghanistan has a climate and a geography that produces very little for export. So the fiercely—and I say fiercely—independent tribes that populate this harsh and barren land have long earned a living instead from the goods and the armies that travel across it.

Tribesmen have used the dry rocky plains and the steep, bare, cavern-riddled mountains to great advantage—to extort both armies and traders for security and shelter or as a base from which to raid.

In weary succession, rulers and nations have witnessed their dreams of conquest and their dreams of empire in Afghanistan dashed. From Alexander the Great in 326 BC, to Genghis Kahn in the 13th century, to the British in the 19th century, to the Russians in the 20th century, no invading army has ever conquered Afghanistan, earning it the sobriquet ''Graveyard of Empires,'' the graveyard of empires or, to say it another way, graveyard of foreigners.

In one horrific example, in 1842, the British lost more than 16,000 troops and civilians in a single 110-mile retreat from Kabul to Jalalabad. History tells us—and we had better listen to history—that Afghanistan does not take kindly to foreign intervention. Yet—now, get this—here we are discussing a proposed counterinsurgency strategy that would vastly increase the U.S. presence in Afghanistan in the vain hope of spawning the establishment of a Western-style, modern democracy and economy in a land that in many areas and in many ways is still frozen in the time of Alexander the Great.

As a junior United States Senator I traveled to Afghanistan in the 1960s—way back there in the 1960s. Yes, I went to Afghanistan in the 1960s and, let me say to you, it was an eye-opening experience. Men, human beings, were treated like beasts of burden, actually pulling carts like oxen. Yes, I saw it. Living conditions were primitive. Corruption was widespread. While life in Afghanistan's cities has changed somewhat in the intervening decades, many

of the scenes that I see in the news still look very familiar to me. The fundamental changes that are wished for by some NATO and U.S. planners, particularly in the least developed rural areas where the tribal theocratic Taliban rule is most entrenched, would certainly be a long shot—and I mean that, a long shot—and likely will be a long shot and quite unwelcome.

What is really at stake for the United States in Afghanistan? We all know that Afghanistan is not a threat to us militarily. The Taliban is not a threat to us militarily. Al-Qaida, however, is a demonstrated threat to us, with ambitions and a philosophy that must—must—keep us vigilant. But the link between al-Qaida and Afghanistan is a tenuous link, one based only on the temporary expediency of location, an expediency that has already been replaced as the al-Qaida leadership has moved and may move again. Building a western style Democratic state in an Afghanistan that is equipped with a large military and police force and a functioning economy based on something other than opium poppies may or may not deny al-Qaida a safe haven there again. It will, however, guarantee that the United States—that is us—must invest large numbers—not just a few, large numbers—of troops and many billions of dollars in Afghanistan for many—not just a few, many—years to come, energy and funds that might otherwise go toward fueling—in other words building and strengthening—our own economic recovery, better educating our children or expanding access to health care for more of our own people, and yet there are many here in this body, many here in the Senate who believe that we should proceed with such a folly in Afghanistan.

I am not one of them. But there are many, I say, here in the Senate, who believe that we should proceed with such a folly in Afghanistan. During a time of record deficits, some actually continue to suggest that the United States should sink hundreds of billions of borrowed dollars into Afghanistan, effectively turning our backs on our own substantial domestic needs, all the while deferring the costs and deferring the problems for future generations to address. Our national security interests lie in defeating—no, I go further, in destroying al-Qaida. Until we take that and only that mission seriously, we risk adding the United States to the long, long list of nations whose best laid plans have died on the cold, barren, rocky slopes of that far off country, Afghanistan.

I yield the floor. 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. BENNET. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. BENNET. Mr. President, it was a great privilege to be here on the floor to hear the remarks of the senior Senator from West Virginia. I congratulate him on his remarks and thank him for giving us the privilege of hearing his views on Afghanistan.

One of the most import duties we have as Members of this Chamber is to ensure that our troops have the tools and equipment they need to succeed. It is an obligation we all take very seriously. I thank the chairman and ranking member of the Senate Armed Services Committee, Senators LEVIN and MCCAIN, for producing such a balanced and bipartisan bill that invests in our Nation's defense and provides, as President Obama has said, ''for the few who have borne the overwhelming burden of our security.'' Making sure our troops have the very best America can offer is absolutely essential to our defense and keeps our military second to none.

I rise today to discuss a provision in this conference report that reflects a different source of pride, a source of pride that projects another characteristic of America and defines us as a model of freedom and equality under the law. These values form a foundation of America's strength that is our most enduring asset, both in times of war and peace. I rise today in strong support of the Matthew Shepard Hate Crimes Prevention Act. With the bipartisan passage of the Defense authorization conference report, we will have taken another substantial step forward for our values as Americans.

It has been 10 years since the Matthew Shepard Hate Crimes Prevention Act was first introduced in the Senate. During this period we have seen a marked increase in hate crimes. In my home State of Colorado there were 156 hate crime incidents reported to the FBI in 2007; 75 of those were on account of the victims' race and 32 on account of his or her sexual orientation.

One of these victims was 18-year-old Angie Zapata, of Greeley, who was beaten to death in her home in July of 2008. Press accounts indicated Angie's attacker said he went after her because he hates transgender and gay people. A jury found that the attacker was motivated by prejudice based on sexual orientation. The jury's verdict marked Colorado's first ever conviction for a hate crime against a transgendered person. The crime was heinous and the attacker will rightly serve his time because of the laws in my State. Our experience in Colorado, which already has strong hate crimes laws on the books, serves as an example of how to protect the civil rights of all Americans, regardless of where they live.

Our laws must reflect our values. Communities are threatened anytime there is a violent crime motivated by racial animus or by bigotry against one's gender or sexual orientation. Hate crimes are serious challenges for our law enforcement personnel. They can lead to additional crimes, and they can raise the level of animosity among communities. These unique challenges have rightly caused Congress to become involved. As we learned in the civil rights era, sometimes communities need assistance and resources from the Federal Government when they have to confront the most emotional and dangerous kinds of crimes. The Matthew Shepard Hate Crimes Prevention Act is designed to help local law enforcement manage these situations and deter hate crimes from ever happening in the first place.

This important law strengthens the current Federal hate crimes statute by protecting would-be targets of violence based on gender, sexual orientation, gender identity, or disability. It closes a significant loophole under current law that prevents hate crime prosecution when a victim is not engaged in a federally protected activity. All victims should be protected, and these crimes should be deterred regardless of where or when an attacker may be planning to commit a violent crime.

This legislation also authorizes the Department of Justice to provide grants to State, local, and tribal authorities to investigate or prosecute hate crimes more effectively. Grants are also made available for programs that combat hate crimes committed by juveniles, including training by local law enforcement to effectively identify, prosecute, and prevent those hate crimes.

I thank all of those who worked so hard over the past 10 years to update our hate crimes laws, particularly the late Senator Ted Kennedy, who long championed this cause. In a speech he gave back in 2007 on this very subject, Senator Kennedy asked how long those living in fear of attack or reprisal would have to wait until Congress did the right thing. How long, he asked, would it take for Washington to show that violence on account of gender, sexual orientation, or gender identity is absolutely inconsistent with our values and as such will not be tolerated in the United States of America.

Today, is Senator Kennedy's answer. Today we send a bill to the President that ensures America's enduring principles apply to all Americans. Today we approve a bill that, as Senator Kennedy predicted, ''sends a message about freedom and equality that will resonate around the world.'' It is a proud amendment. I urge my colleagues to set the right example and pass this important legislation.

Mr. LEAHY. Mr. President, today, if the Senate votes to pass the national defense authorization bill, Congress will at long last pass into law the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009. It is an important and historic step to reaffirm our values as Americans and show that violence against members of any group because of who they are will not be tolerated in this country. I am proud that this Congress and this administration have made this critical measure a top priority.

This is a step that has taken far too long. I have been working hard, as have many others, for more than a decade since the horrific murders of Matthew Shepard and James Byrd, Jr., galvanized the Nation. When Attorney General Holder testified before the Senate Judiciary Committee in June, it was the second time he had testified in support of this important bill. A full decade earlier he had testified as Deputy Attorney General in support of the passage of hate crimes. Since that time, he noted that ''there have been over 77,000 hate crime incidents reported to the FBI, not counting crimes committed in 2008 and 2009. That is nearly one hate crime every hour of every day over a decade.''

I offered the Matthew Shepard Hate Crimes Prevention Act as an amendment to the Defense authorization bill, and I was joined by my fellow New Englander, Senator COLLINS, in the effort. She has taken a leadership role on several important civil rights measures and now can add this to her long list of bipartisan accomplishments.

With the passage of this measure, for the first time our Federal law will protect a segment of Americans who have been under attack for too long. The LGBT community deserves its civil rights just as the rest of Americans do.

I commend Senator LEVIN for working so hard to ensure that this provision would go forward as part of the conference report. I congratulate the Senate majority leader, Senator REID, for his essential role in this matter. Yesterday I noted the steadfast leadership Senator Ted Kennedy provided on this issue, as on so many others, for more than a decade. We think of him as we see his good work go forward.

Earlier this month was the 11th anniversary of the brutal murder of Matthew Shepard, a college student who was beaten and killed solely because of his sexual orientation. Matthew's parents have worked courageously and tirelessly for this legislation, which aims to ensure that this kind of despicable act will never be tolerated in this country. The bill was named for Matthew, as well as for James Byrd, Jr., a Black man who was killed in 1998 because of his race in another awful crime that galvanized the Nation against hateful violence. We appreciate and honor the important contributions of James Byrd's family, as they have worked hard for this legislation.

As I have said many times, the years since these two horrific crimes have made clear that hate crimes remain a serious and growing problem. The recent shooting at the Holocaust Memorial Museum showed that these vicious crimes continue to haunt our country. This bipartisan legislation will help law enforcement respond more effectively to this problem.

I understand that a Senator on the other side indicated that we were considering a fully inclusive hate crimes measure today based solely on ''perceived bias.'' I would note for the record that this measure would punish violent acts that result in bodily injury that were motivated by hate. Each of these elements needs to be proven to a jury beyond a reasonable doubt. So it is just plain wrong to claim that perceived biases will be elevated to a crime.

I understand that some have alleged that this has not gone through the Judiciary Committee. In fact, we did consider this legislation at a hearing in June. The Attorney General of the United States testified in support of the legislation, and we had a thorough debate about the merits of the legislation in committee. I would also note that adding the hate crimes measure to the Defense authorization bill has occurred in the past, as recently as last Congress. Its inclusion this year could not have come as a surprise to anyone here.

This same hate crimes bill also passed the Senate in 2004, 2000, and 1999. The amendment passed this year in July on a bipartisan vote. There has been plenty of consideration and process.

President Obama has worked closely with us to facilitate the quick passage of this vital hate crimes legislation. In his first few months in office, he has already acted to ensure that Federal benefits are awarded more equitably, regardless of sexual orientation, and now to ensure that this hate crimes legislation becomes law. Unlike in previous years, we have a President who understands that crimes motivated by bias are particularly pernicious crimes that affect more than just their victims and those victims' families. I expect the President to sign this legislation without delay.

Hate crimes instill fear in those who have no connection to the victim other than a shared characteristic such as race or sexual orientation. For nearly 150 years, we have responded as a nation to deter and to punish violent denials of civil rights by enacting Federal laws to protect the civil rights of all of our citizens. The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009 continues that great and honorable tradition. Passage of this legislation, at last, will show once again that America values tolerance and acts to protect all of its people.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. 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. CASEY. Mr. President, I rise today with regard to the importance of international development efforts in Afghanistan, as well as the role of women in that same country. Much of the public debate around Afghanistan is focused on troop levels, especially in Washington. This is a critical decision on troops, but a focus only on troops ignores so many of the crucial elements that will contribute to our strategy in Afghanistan; namely, what should be done to help promote democratic institutions. That is one question we have to spend more time on. How can we accelerate the training of the Afghan security forces? What impact does Pakistan have on this conflict? I have spoken about these issues in depth. I want to directly address the formidable development challenges before the Afghan people and what this means for the security environment.

Let me be clear. We are not conducting development in Afghanistan for development's sake. Promoting development has a direct national security impact and, if done right, can result in a safer environment for coalition troops, as well as Afghan security forces, and it can ultimately contribute to stability in the region.

Before discussing these issues, I want to applaud the extraordinary efforts of Senator KERRY, the chairman of the Senate Foreign Relations Committee, to seek a resolution to the Afghan election crisis. As we all saw from news reports, his tireless work over the past few days to support the democratic process in Afghanistan renewed the chance for much needed legitimacy in the electoral process. I hope the second round of the elections will be free from violence and the terrible fraud that was seen in August.

I also want to recognize the work of the Electoral Complaints Commission, which meticulously rooted out corruption in the election process. Those guardians of Afghan democracy should be commended for their work, and I trust they will perform equally well on November 7 and the days following.

The development changes facing Afghanistan are formidable. Destroyed by 30 years of war, Afghanistan is the third poorest country in the world. Large swaths of the country don't have access to roads, electricity, water, or prospects for jobs.

As I discussed on the floor last week, there are some positive aspects of the development process already in Afghanistan. There are now 6 million children in school, one-third of whom are girls. Basic health care now reaches more of the country than ever before. The public health care system has made strides in this regard to have organizations such as the Pennsylvania-based Cure International, which is working to train doctors. The economy has grown at 10 percent a year in aggregate terms, and mobile telephones are starting to connect more and more people across the country. When this process began in 2002, we started at zero. We should not be content with the pace of reform in Afghanistan, but we should acknowledge that some progress has been made.

While the debate in Washington revolves around the prospect of a troop

surge, not much has been said about the civilian surge to assist in development and diplomatic efforts. I support this important initiative, but we must encourage the administration to match this international surge with an Afghan surge. We must increase our efforts to build the skills and capacity of Afghans to develop Afghanistan. We must constantly work to instill the idea that Afghanistan's prospects lie not with the efforts of the international community—though we should do our part, and we have and we will—but with the talent and the will of the Afghan people. It is not only the best way to conduct development, it is in fact the only way it has ever been truly successful.

The strong roots of an Afghan-led development process have been years in the making. The Government's National Solidarity Program has worked to develop the ability of Afghan communities to identify, plan, implement, and monitor their own development projects. This model of community-based development is essential to building civic ownership for the country's future. The World Bank reports that more than 20,000 communities now have local government consultative institutions or community development councils. Afghanistan's Ministry of Rural Rehabilitation and Development oversees this effort, which is financed by a consortium of international donors. It employs more than 4,000 Afghan nationals and has developed the skills of 600,000 Community Development Council members across the country in planning and supervising projects and managing finances transparently. More than 80 percent of the labor has been provided by communities themselves, generating wages for the poor and cutting in half the cost of their projects.

While substantial progress has been made, the National Solidarity Plan faces three main challenges: First, the security environment is the biggest hurdle to rapid development. Second, the international community can play a helpful role in supporting the government's efforts to ensure that these structural gains are sustainable. The democratic process has begun to take hold in these communities but will require years to grow strong roots. Finally, the Community Development Councils will need regular assistance in building capacity. As local communities start to work together on multi-village projects, they will need technical help to implement the projects.

Afghanistan's development infrastructure is important and represents an important effort to mesh traditional community-based decisionmaking structures with the official governing structure. In order for these bodies to work properly, there must be an important focus on the provision of basic services, irrigation, access to transportation and the construction of roads, basic health care and education, and access to drinking water and electricity.

Much of the development work on Afghanistan must take place in an environment of extreme insecurity. USAID works in countries all over the world, but its impressive staff doesn't usually contend with the small arms fire, roadside bombs, and the militant attacks that they confront in Afghanistan. In the most crucial regions of Afghanistan, along the Pashtun belt in the east and south, USAID must operate alongside the U.S. military, the State Department, and the U.S. Department of Agriculture in provincial reconstruction teams. The military forces provide protection for the aid workers and diplomats as they seek to implement their projects. This configuration is clearly not ideal but has allowed for some development progress and has also played a critical role in the overall counterinsurgency effort.

While there has been significant funding provided for development efforts, not enough of the funding is actually reaching the Afghan people. Lately, international organizations have been criticized for high consultant fees and overhead costs associated with doing business in Afghanistan. Some nongovernmental organizations, so-called NGOs, and contractors are performing excellent work in extraordinary circumstances in Afghanistan. While much of the cost associated with their efforts is understandable given the high pricetag associated with security and paying quality staff to live in Afghanistan, I do believe that more of an effort should be made and must be made to work directly with the Afghan organizations where possible to implement development programs. This will likely mean an increase in USAID staff to oversee implementation of the programs and assure accountability. This would also serve in rebuilding USAID's capability to implement programs instead of relying upon contractors. Developing the capacity of USAID is long overdue. I want to acknowledge Ambassador Holbrooke's work in this regard and support his efforts to deliver more of our assistance directly to the Afghan people.

International development experts have highlighted the critical role played by women in the security, stability, and development of Afghanistan. We cannot expect progress on any of these fronts if half of the population is ignored. As I have said before, we have seen progress on women's and girls' political participation, education, and health since the fall of the Taliban. However, women are still largely excluded from public life and economic participation, and they remain targets of endemic violence.

We must support the Afghan Government's efforts to empower women and ensure their right to work in both public service and at community levels. Promoting the economic participation of women will pay long-term dividends in terms of education, health, GDP, and even the security and stability of their country.

International development experts in the region have noted that women are more likely than men to invest their extra savings and earnings in their families, specifically toward much needed education and health care, assisting women, whether through small grants, access to credit, or skills training as a potential to improve the lives of the entire household, including those susceptible to be drawn in by the Taliban.

Military strategists have focused on this important nexus of advancing development for women and security. In a society where young men are loathe to make decisions against their mother's wishes, convincing mothers that their children have future prospects beyond joining a militant group is a key part of our strategy. By working with women on a host of development issues, international and Afghan groups can have a clear and convincing impact on the security environment where our soldiers are operating today.

In closing, the security challenges in Afghanistan grow more acute by the day. We are rightly focused on the question of troop deployment and how to stem the tide of militancy across the country. But as we debate the merits of our presence in Afghanistan and our efforts to bring stability, we must fully account for the developmental shortcomings in the country. This, as well as the establishment of durable democratic institutions, will most likely be the ultimate determining factor in resolving this conflict.

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

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. 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. CARDIN. Mr. President, I rise today to express how pleased I am with the inclusion of the Matthew Shepard Hate Crimes Prevention Act of 2009 within the Department of Defense authorization bill. This day is a long time coming, and I am proud we have successfully stood up against hate crimes in this country. Such acts will not be tolerated in our society. The American public supported this goal. According to a Gallup poll from 2007, 68 percent of Americans support extending hate crimes protection to groups based on sexual orientation and gender identity, including 60 percent of Republicans and 62 percent of individuals who frequently attend church.

Hate crimes continue to occur in our country every day. According to recent FBI data, there were over 7,600 reported hate crimes in the United States in 2007. That is nearly one every hour of every day. Over 150 of those instances occurred in my home State of Maryland.

The passage of the legislation demonstrates that the Congress is fighting for people such as Stephen Johns, who was killed at the U.S. Holocaust Museum; Lawrence King, a 15-year-old student murdered in his high school because he was gay; James Byrd, who was beaten and dragged by a truck for 2 miles because he was Black; and for the 28-year-old California woman who was gang-raped by four men because she was a lesbian. Today, we stand and say: No more. No longer shall we tolerate these types of actions.

During the recent confirmation hearing of Justice Sonia Sotomayor, I spoke about the importance of standing against hate. I expressed the importance of a Justice and a Court that will continue to move forward in protecting civil rights and not turning back the clock. I hope the Court will stand with us against such actions and continue to protect important civil rights laws.

According to the recent Leadership Conference on Civil Rights education fund report entitled ''Confronting the New Faces of Hate,'' hate crimes against Latinos has been increasing steadily since 2003. This marked increase also closely correlates with the increasing heated debate over comprehensive immigration reform. There was also a 5-year high in victimization rates in 2007 toward lesbian, gay, bisexual, and transgendered individuals. That number has increased by almost 6 percent. The number of White supremacy groups has increased by 54 percent, and African Americans continue to experience the largest number of hate crimes, with an annual number essentially unchanged over the past 10 years. While religion-based offenses decreased, the number of reported anti-Jewish crimes increased slightly between 2006 and 2007. The Matthew Shepard Hate Crimes Prevention Act is a necessary and appropriate response to this ongoing threat to our communities.

Currently, 45 States and the District of Columbia have enacted hate crime laws and have taken a stand against hate in their own States. Thirty-one of those States have already included sexual orientation in their definition of what constitutes a hate crime. Twenty-seven States and the District of Columbia prohibit violent crimes based on a victim's gender. States have a patchwork of hate crimes statutes that leaves gaps which need to be filled in order to have an effective response and prosecution of these crimes.

The Federal Government has a clear responsibility to respond to hate crimes. Current Federal hate crime laws are based only on race, color, national origin, and religion. We need to include gender, disability, gender identity, and sexual orientation.

Current law also requires the victim to be participating in a federally protected activity, such as attending school or voting. Those who commit hate crimes are not bound to certain jurisdictions, and neither should the people who prosecute them, which is why this legislation removes the requirement that a victim be participating in a federally protected activity. The Matthew Shepard Hate Crimes Prevention Act will make sure all Americans are equally protected against hate crimes.

The legislation will provide necessary resources to our State and local governments to fight hate crimes. Specifically, it will provide grants for State, local, and tribal law enforcement entities for prosecuting, programming, and education related to hate crimes prosecution and prevention. The bill will assist States and provide them with additional resources, not diminish their role in managing criminal activities within their own States. The bill supplements State and local law enforcement efforts.

Additionally and most importantly, the legislation was carefully drafted to maintain protections for Americans' first amendment rights. Nothing in this legislation diminishes an American's freedom of religion, freedom of speech, freedom of the press, or freedom to assemble. The Supreme Court has already ruled that such laws do not obstruct free speech. Let me be clear: The Matthew Shepard Hate Crimes Prevention Act targets acts, not speech.

Hate crimes affect not just the victims; they victimize the entire community and make residents fearful. We cannot allow our communities to be terrorized by hatred and violence. Today, we hold true to our promise for a better tomorrow.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURRIS. 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. BURRIS. Mr. President, I ask unanimous consent to speak for the next 7 or 8 minutes in morning business.

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

HEALTH CARE REFORM

Mr. BURRIS. Mr. President, in the election of 1912, Theodore Roosevelt and the Progressive Party laid out an ambitious platform. T.R., as he was referred to, was seeking a third term as President of the United States. During his campaign, he called for a minimum wage. He demanded child labor laws and believed occupational safety should be a priority across America. Today we would take such measures for granted, but at the time, nearly a century ago, they were considered very progressive.

However, there is at least one major part of Roosevelt's platform that was never enacted. He called for ''the protection of home life against hazards of sickness, irregular employment and old age, through the adoption of a system of social insurance adapted to American use.'' Ninety-seven years ago, Teddy Roosevelt was talking about health care reform—but not just any kind of reform, he was talking about a public option. He knew even then that the American people needed to have quality affordable coverage that can only be provided by a ''system of social insurance'' much like the public option we are talking about in the current legislation.

That was the origin of the debate that rages on even today. Since that time, nearly every President and Congress has had to wrestle with a broken health care system; a system in which costs continue to rise even as relative health outcomes keep going down; a system that allows insurance companies to hold American families in a vice grip, squeezing them for exorbitant profits; a system that affords no choice, no competition, and no accountability for the American people. I believe that is fundamentally wrong. I believe fixing our broken system is nothing less than a moral imperative. I would imagine Teddy Roosevelt shared this belief, and since the day he raised this issue in 1912, no fewer than 10 U.S. Presidents of both political parties have also supported meaningful reform.

President Herbert Hoover referred to the health care crisis as ''one of the most vital problems facing our people today'' and called for adequate care for every single American at a reasonable cost.

His successor in the White House, Franklin Delano Roosevelt, said that ''the health of the people is a public concern'' and ''it is clear that there is need for a coordinated national program of action.''

When Harry Truman became President, he also took up this cause but quickly discovered that the special interests were a major threat to reform. He said:

> I usually find that those who are loudest in protesting against medical help by the Federal Government are those who do not need help.

I will repeat that, quoting President Truman. He said:

> I usually find that those who are loudest in protesting against medical help by the Federal Government are those who do not need help.

By the end of his Presidency, his effort had fallen short as well. He was defeated by the same kinds of influential groups that are trying to distract us even today. After Truman left office, he told friends that one of his deepest disappointments was his ''failure to defeat organized opposition to a national compulsory health insurance program.'' But even then, in the face of those who had an interest in maintaining the status quo, reform with a public option was not dead.

The next President to raise the standard was John F. Kennedy, who

said that the strength of a nation ''can be no greater than the health and vitality of its population.'' He believed swift action was necessary. But his time was cut tragically short before he could take action. In the decades to follow, it would be his youngest brother, Ted Kennedy, the lion of this Senate, who would wage the fight that has brought us to this junction in history today.

But in the uncertain days after John Kennedy's tragic loss, the cause of health reform next fell on Lyndon Johnson, who embraced it as strongly as any President ever has. He said:

> For a long time in our country, we have considered public support for education [to be a] basic investment, but today we are declaring that the health of our people is just equally worthy of that support, [and] equally important to our Nation's future.

But the end of Johnson's Presidency was wrapped up in the escalating Vietnam war, and Richard Nixon was swept into office.

President Nixon faced a health crisis not unlike the one we face today. Mr. President, 25 million Americans were without insurance. The number has almost doubled since then. Costs were escalating, and the President knew something had to be done about it. He said:

> Comprehensive health insurance is an idea whose time has come in America. Let us act now to assure all Americans financial access to high quality medical care.

Some of my colleagues across the aisle find it hard to believe that a Republican President made that statement almost 40 years ago. I urge them to consult the record for themselves. Back then, members of both parties agreed at the highest levels that it was time for comprehensive reform.

So surely we can find agreement today, in the face of a problem that has gotten far worse.

In 1977, when President Carter took office, he said the American health care system ''has left us unhealthy and unwell at the same time.'' His reform package included a public option. But, sadly, those efforts were blocked by the political opponents in Congress.

Finally, in the early 1990s, President Clinton thought he had victory within reach. He called for universal, comprehensive health care and said reform must be ''our most urgent priority.'' But, once again, the opposition succeeded in delaying and distracting our efforts, and reform fell by the wayside one last time.

When President George W. Bush took office, he recognized that America's health care system was broken and in need of reform. He even said that ''government has got to take an active role in reform.'' But he stopped short of calling for a public plan, and he left our broken system much as he found it.

This is where we find ourselves today. Despite the leadership of 10 Presidents from both political parties, we are faced with the same broken system that has troubled our elected leaders for almost a century. Now this momentous question has fallen to us: How will we meet this test that so many have failed?

These 10 Presidents were Republicans, Democrats, conservatives, and liberals. If these men had ever met one another, they probably would have found little they could agree upon. These 10 people held our Nation's highest office at very different times in the last century. They faced different challenges, confronted different obstacles, and led our Nation through decades of peace and war, ease and unrest, prosperity and depression.

But although their lives and administrations might have been very different, there was at least one thing they could all agree on. There was one thing all these Presidents agreed on. Every one of them supported comprehensive health care reform. Every one of them knew our system was broken, and almost every one of them knew some form of public option was the right answer. That kind of broad and long-standing bipartisan consensus is not only remarkable, it is almost unheard of in American history.

Let us take up this cause as our own. Let us make good on the promise first articulated by Teddy Roosevelt almost 100 years ago and supported by so many people since then. When President Barack Obama came to office less than a year ago, he vowed to succeed where so many of his predecessors had failed. He became the 11th President in the last 100 years to take up the challenge of health care. Thanks to his leadership, I have faith there will not need to be a 12th President to work on this issue. This time, we will not fail. We will not fall short on this issue.

At long last, it is time to heed this call. The weight of history and of consensus cannot be denied and it can no longer be ignored. We must pass meaningful health care reform that includes a public option. Our Nation has been debating this issue for nearly 100 years. Now is not the time to back down. We have talked for a century. So let us now act with conviction.

Friends, colleagues, fellow Americans, once again, our time has come. We must cast aside the tired constraints of partisanship and work together on behalf of the hardworking Americans we swore to represent. Eleven Presidents have stood up for health care reform, and now, colleagues, it is our turn. Let us succeed where our predecessors have failed, and let us write this history. Let us serve the sacred trust the American people have placed in us, not merely as political leaders but as lawmakers.

Colleagues, let us be statesmen. After 11 Presidents and nearly 100 years, it is time to vote for health care reform that includes a public option. It is time to stand up for the American people.

I yield the floor, and I 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. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

DEBT AND DEFICITS

Mr. GREGG. Mr. President, I rise to speak about one of the most significant issues we have confronting us as a nation, our rising deficits and debt. At the end of the last fiscal year, which just concluded at the beginning of October, end of September, we determined we had a $1.4 trillion deficit—$1.4 trillion.

It is projected that we will have trillion-dollar deficits for the next 10 years under the President's budgets as President Obama has brought them forward. Yesterday we had a vote not to do cloture on a bill the administration supported, and which was brought forward here, which would have put another $300 billion onto the Federal debt to pay for what is known as the doctors fix.

The doctors fix is something which should occur. We have done it around here before. We have done it every year for about 8 years; that is, reimbursing doctors at a fair rate rather than having their rates cut. But we have always paid for it.

But yesterday there was an attempt by the leadership on the other side of the aisle to pass a bill which would have not paid for the doctors fix and which would have put $300 billion of new debt onto our children's backs; so that every time somebody walked into a doctor's office and was reimbursed under Medicare, that bill, whether it was for a flu shot or whether it was for serious disease issues, would have been taken and passed directly to our children rather than paid for today, as it should have been. So it was a totally irresponsible act to try to increase the debt by $300 billion in order to take care of the doctors fix. But that was what was attempted. Fortunately that failed. At least as of yesterday it failed.

There was bipartisan appreciation in the Senate. All of the Republicans voted against doing that, and 12 Democrats and 1 Independent voted against doing it, and that was good. That was a good sign to the American people that maybe we are finally taking the deficit and the debt seriously.

The reason I wanted to speak today on this matter is because we are getting some significant warning signs, some flashing yellow lights that are moving from yellow, maybe, to red from the world community that we better do something about our debt and our deficit or the world community is going to react to it.

About 4 months ago now the Chinese, who are the primary owners of our debt—in other words, when we spend $1.4 trillion more than we have in a year like we did last year or we spend $1 trillion more than we have every year for the next 10 years as is being

proposed by the President, we have to get that money from somewhere. We have to borrow it from somebody. Someone has to be willing to lend us that money, that $1 trillion, that $1.4 trillion.

Well, the countries that have that type of money and are willing to lend it to us are countries such as China and Russia and Saudi Arabia. They have surpluses in their economies. They are not running deficits in their governments, so they have surpluses. They have, historically, at least over the last few years, been willing to buy our treasuries, our notes to finance the government operation in the United States.

About 4 months ago the leadership of the Chinese Government said: Well, we are getting a little concerned. We are still going to buy American treasuries. We are still going to help you finance your deficit. But you have to do something about this because we are concerned about the value of what we are buying. We are concerned that those IOUs we are buying from you may not be worth what we are paying for them on face value if you continue to run your deficit that you have.

That was a fairly large warning sign from a country which obviously has not historically been close to us but which is one of our largest trading partners, and which is, whether we like it or not, buying up all of this debt when we run these massive deficits, or a lot of this debt.

Another warning sign came at us when the dollar, which has historically been the reserve currency of the world—in other words, countries hold dollars in order to maintain their own structure of reserves for their countries. The dollar started to be discussed as maybe not the best reserve currency, and there have been a number of rumors and some representations by some Finance Ministers around the world that people might not want to use the dollar any longer as their reserve currency. They may want to use some other currency—maybe the euro or some basket of currencies, maybe the euro, the yen, or maybe just use commodities or maybe use IMF drawing rights, a whole series of different ideas.

What does that reflect? That reflects that people are not too confident in our future ability to maintain and defend the value of the dollar. Why are they not confident about that? Well, they are not confident about it because they are looking at the deficits we are running. They are looking at the debt we are piling up, and they are saying: Hold it. How are you going to pay all of that off? If you put $13, $14, $15, $16 trillion worth of debt on your Nation, if you take your public debt from 38 percent of GDP up to 80 percent of GDP or more, how are you going to pay that off, United States?

That is a legitimate question because there are only a few ways it can be paid off. One of them, unfortunately, is by using inflation, and that devalues the dollar and it devalues all of that debt people have bought. That is why we are hearing more and more that people, first, are worried about using the dollar as their reserve currency because they do not want to see its value drop; and, secondly, they are worried about buying our debt.

So we are getting some serious caution lights from the international community about the fact that we are running these massive deficits and this massive debt. Just yesterday, I think one of the most serious caution lights came out because there are groups in this world, small groups of people—Moody's and Standard & Poor's—who basically look at the currencies and the debt of various nations and they do that also for companies and they rate the debt. The rest of the world's financial activities look at those ratings because they are considered to be of very high caliber and very high standard. They allow people in other places to be able to assess the value of the debt they might want to buy.

So if you want to buy debt from XYZ country, you look at Moody's or Standard, that has taken a hard look at that country's debt, evaluated it, and they will tell you whether it is rated AAA, AA, A. That determines how much it is going to cost a country to lend to you. That will determine the amount of interest rate on that debt because if it is not AAA, which is the best rated debt, then people are going to be less likely to invest in it. If they do invest in it, they are going to want a higher return because they are going to be at bigger risk because they know that debt might not be paid back. If it is paid back, it might be paid back in devalued dollars or devalued currency of that country.

So, historically, American debt, the Treasury note, has been the gold standard for the world. In fact, it is technically the gold standard. Most people use it as the reserve fund. When the world went off the gold standard, the dollar basically became the way people maintained and conserved their assets. They would invest in Treasury notes and know that the treasuries were always safe. It was always determined that Treasury notes were safe because the United States always was going to pay back its debt.

So the United States has always had a AAA rating. That is hugely important to us as a nation. It is hard to appreciate as just an ordinary American going to work every day and trying to make ends meet that the AAA rating of the United States is important to them, but it is. It affects everything in this country that has to do with credit.

If the United States were to lose its AAA rating, all credit would go up, and the costs in this country. It would be much harder to buy a house because the interest rates would be higher. It would be harder to buy a car because the interest rates would be higher. It would be harder to send a child to college because the interest rates would be higher. Everything is tied to the fact that treasuries have AAA ratings. It has always been presumed that they would.

In the post-World War II period, it has always been presumed that the United States, the strongest economy in the world, the most vibrant economy in the world, would always have the gold standard for the debt it issues, that it would always be a AAA-rated event. Well, as a result of our profligate nature as a country and as a Congress, as a result of having run up these massive deficits, we are getting a very large yellow flashing light from the rating agencies.

They are saying this—this was an October 22 news report from Reuters:

> The United States, which posted a record deficit in the last fiscal year, may lose its AAA rating if it does not reduce the gap to a manageable level in the next 3–4 years.

That is according to Moody's Investors Service.

> The AAA rating of the United States is not guaranteed.

Steve Hess, Moody's lead analyst for the United States, said in an interview on Reuters Television:

> So if you do not get the deficit down in the next 3–4 years to a sustainable level, then the rating will be in jeopardy.

Those are words that should make us in the Congress pause because they are directed right at us. The most sophisticated and important evaluator of America's deficit situation and debt, Moody's ratings service, is saying if we as a Congress do not do something within the next 3 to 4 years to bring our debt under control, and our deficits down, we may jeopardize the AAA rating of the United States.

I can think of nothing that would be more irresponsible for a Congress to do to the American people than to jeopardize and put at risk the AAA rating of this country. Maybe only after disarming ourselves in the face of a potential terrorist threat or the use of a weapon of mass destruction, I can think of nothing which would have a larger impact on our populous than for the Congress to put in place fiscal policies which would jeopardize our ability to sell bonds, American debt around the world at a reasonable price, and put at risk the value of the dollar and the status of the dollar as the reserve currency of the world, as a result of putting at risk the AAA rating of our bonds.

That is exactly what we are doing. This gentleman, Mr. Hess, said we have to, within the next 3 or 4 years, put in place a manageable plan, a realistic plan, that will address the deficit and debt of the United States.

Are we doing that now? We are doing just the opposite. Just yesterday this Congress tried to pass $300 billion of new debt for ordinary expenses, for daily expenses of paying doctors. We were going to give an IOU to our children and our grandchildren 5, 10 years from now. Total irresponsibility.

Last week it was the White House suggesting we do the exact same thing in Social Security for $13 billion. A couple of months ago we did the same thing on cash for clunkers for $5 billion. A budget was passed by this Congress, which does it for the whole Nation—it creates $1 trillion of unfunded liability and deficits for the next 10 years every year.

Now we have this health care bill coming at us, which is going to increase the size of the government by $1 to $2 trillion, which is represented that it is paid for, but that is only because they phase in the expenses 4 years after they phase in the income and thus are able to match 10 years of income versus 6 years of expenses. So they claim it is paid for.

When the bill is fully phased in, it will not be paid for. It is going to be a huge cost to the Federal Government, and even if it were paid for, it would be taking massive resources in the area of Medicare by $400 billion and it is going to raise fees by $500 billion. Instead of using those resources to reduce the debt, it will use them to create a brand new major entitlement at a time when we have on the books entitlements which we can't afford today.

Medicare has a $34 trillion unfunded liability. Yet we will add a new major entitlement on top of Medicare and Medicaid, and we will pay for part of it by cutting Medicare. Still, instead of cutting Medicare for the purposes of paying for that, we should be using Medicare savings for the purposes of making Medicare solvent. We should not be growing the government. We are going to do a $1 to $2 trillion increase in the size of government. I will absolutely guarantee that that will not be fully paid for and that a large percentage of that will go to our debt.

On top of having deficits which are already projected to be a trillion dollars a year for the next 10 years, we are seeing a Congress which is being incredibly spendthrift in its approach to all sorts of areas: $300 billion to pay doctors, new debt; and who knows how much out of this health care bill. I am willing to bet the family farm that it will be well over a trillion dollars of new debt when it is fully phased in; new programs in the area of Social Security, which is already bankrupt, unpaid for, added to the debt; new programs for this favorite group, cash for clunkers or whatever the issue is of the day. We are totally out of control on the spending side of the ledger.

It is not a revenue issue. It is a spending issue. Revenues have historically been about 19 percent of GDP. Spending has been about 20 percent of GDP. But under the budget which we have been given, independent of the health care bill, spending goes from 20 percent of GDP up to 23 percent. And when we throw in this health care bill, we are heading toward 24, 25 percent of GDP. Revenues, if they maintain their historic levels once the recession is over, go back to 19 percent of GDP, but we still have a 6 to 7-percent gap because spending has gone up so much.

I appreciate the fact that this administration comes with a philosophy—and they won the election—that we create prosperity by growing the government. The President said that. People around him said that. Members on the other side of the aisle say that. We create prosperity by growing the government. But we don't create prosperity if we let the government grow so fast that it can't be paid for. Government cannot be allowed to grow any faster than it can be paid for. In my opinion, prosperity doesn't come from the government to begin with. Prosperity comes from entrepreneurs who are willing to create risks and create jobs. Independent of that philosophical debate, the simple fact is, if we allow government to grow a lot faster than we have the capacity to pay for it, we create debt. It is that debt and these independent people looking at that debt who are giving us these massive caution lights and saying: Slow down, get your house in order.

People who are buying our debt around the world are saying it. People who use the dollar as reserve currency around the world are saying it. And now Moody's, the clear, independent arbiter of what the value of debt is and what its likelihood of repayment is, is saying it in the most stark way. The AAA rating of the United States is not guaranteed, Steve Hess of Moody's, said. So if they don't get the deficit down in the next 3 to 4 years to a sustainable level, the rating will be in jeopardy.

We need to heed those words. We need to get some discipline around here, and we need to stop having proposals which dramatically increase the size of the government and continue to put us on a path where we pass debt on to our children which will cause them to have a much lower standard of living than we had and which will cause them to be unable to send their children to college, to buy their first home and afford a car, because they will be confronting a nation where the debt is absorbing so much of the productivity of the economy or where inflation has basically priced them out of the markets.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from South Carolina is recognized.

Mr. DEMINT. Madam President, I rise in opposition to the hate crimes provision inserted in the Defense authorization conference report, first, of course, because hate crime legislation has nothing to do with the Defense Department or with national security. Hate crimes actually have nothing to do with crimes or with hate. It is very cynical that this bill that funds our soldiers, who are fighting for our Constitution and our country, actually undermines the very principles they are fighting for.

There are many practical problems with hate crimes legislation. The broad language will unnecessarily overextend Federal law enforcement personnel. It will undermine the effectiveness and confidence of local law enforcement. It will create conditions for arbitrary and politicized prosecutions of certain cases.

I wish to focus on the basic, fundamental problems with any Federal hate crimes legislation. The rule of law requires opposition to this principle or this idea that we treat crimes differently. Let me first state the obvious. Hate crimes are wrong. That is why they are already illegal. That is why they are already prosecuted. That is why the rights of victims are defended by law enforcement authorities at every level of government.

Strictly as a matter of justice, the hate crimes provision in this report is offensive. It suggests that violence committed against certain kinds of victims is worse, more in need of Federal intervention and swift justice. I am sure most parents of a minority, a homosexual or female victim would appreciate the extra concern, but the other side of the coin is the implication that these crimes committed against a nonspecial person should have less punishment. Where does that leave the vast majority of victims' families who, because of the whims of political correctness, are not entitled under this legislation to special status and attention? How can a victim's perceived status or the perpetrator's perceived opinions possibly determine the severity of a crime?

The 14th amendment explicitly guarantees all citizens equal protection under the law. But these hate crime provisions create a special class of victims whose protection of the law will be, in Orwell's phrase, more equal than others. If some are more equal than others, some must be less equal. It is, then, inevitable that this hate crimes provision will create the very problem it purports to solve.

This provision will also move our Nation a dangerous step closer to another Orwellian concept: thought crimes. It would criminalize certain ideas, and those ideas' involvement in a crime will make the crime more deserving of prosecution. The problem, of course, is that politicians are claiming the power to decide which thoughts are criminal and which are not. Canadians right now live under this kind of regime where so-called human rights commissions, operating outside the normal legal process, prosecute citizens for espousing opinions the commissioners disagree with. Today in the United States only actions are crimes. If we pass this conference report, opinions will become crimes. What is to stop us from following the lead of the European countries and American college campuses where certain speech is criminalized? Can priests, pastors, and rabbis be sure their preaching will not be prosecuted, if it says certain things are right and wrong? Again, in Canada, for instance, Pastor Stephen Boissoin

was so prosecuted by Alberta's Human Rights Commission for publishing letters critical of homosexuality. Or will this provision serve as a warning to people not to speak out too loudly about their religious views, lest Federal agents come knocking at their door? What about the unintended consequences such as pedophiles and sex offenders claiming protected status under this provision as being disabled? There is no such thing as a criminal thought, only criminal acts. Once we endorse the concept of thought crime, where will we draw the line? More importantly, who will draw that line?

Under existing law, if my own children were attacked in a violent crime, justice would demand that their attackers be pursued no more or less than the attackers of any other children. We all say we want a color-blind society, but we cannot have a color-blind society if we continue to write color-conscious laws. Our culture cannot expect to treat people equally if the law—if our ruling class—treats citizens not according to the content of their character but according to their race, sex, ethnic identity, or gender identity.

I urge my colleagues to consider the implications of what we are doing, the raw cynicism of attaching this type of controversial legislation to a bill that funds the defense of the country. What type of legislative extortion will they consider next? I have the choice here to vote for hate crimes legislation that I believe would undermine the very justice system of the country or to vote against the defense of my country. I don't think we could be more cynical.

I urge colleagues to oppose this conference report unless and until the principle of equal justice is upheld and the report's hate crimes provisions are removed.

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. CORNYN. 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. CORNYN. Madam President, I would like to make a few comments about the Defense authorization conference report, which we will vote on, presumably, later this afternoon.

First, I wish to express my appreciation to the conferees for fighting for legislation we passed out of the Senate but which was not included in the House version of this bill. This legislation is contained in sections 575 through 589 of the conference report, and it is called the Military and Overseas Voter Empowerment Act—or the MOVE Act—and it addresses a national disgrace.

Our military servicemembers, we know, put their lives on the line for us every day to protect our rights and freedoms. Yet too many of them who are deployed overseas face many stumbling blocks and hurdles as they attempt to cast their votes and participate in our national elections.

In 2008, more than a quarter of the ballots requested by uniformed and overseas voters went either uncollected or uncounted—a quarter of the ballots—according to a recent survey of seven States with high military populations.

Another recent study by the Heritage Foundation documented the problems during the last election cycle. They looked at 20 States with large military populations and concluded that as many as three-quarters of our troops and their family members were ''disenfranchised by their inability to request an absentee ballot'' and that as many as one-third of the ballots that were requested never reached the appropriate election officials to be counted on a timely basis.

Voting has remained a challenge for our troops and their families for many reasons. One is our election laws are varied from State to State and they are very complex. We also know that multiple levels of government bureaucracy are involved—from the local level, to the State level, to the Federal level. We know election challenges and other unforeseen events can delay the finalization of ballots. We know, with the high tempo of military operations, frequent deployments for our troops and their families make it hard for them to exercise their most fundamental civil right, which is the right to vote.

What this legislation does—the MOVE Act—is address several of the biggest roadblocks our troops and their families face when attempting to vote.

First, the MOVE Act reduces the reliance on ''snail mail'' for correspondence between election officials and our troops.

Under current election laws, many troops must, first, mail a request for an absentee ballot. Then they have to wait for the election officials to mail them the blank ballot. Then they must mail the completed ballot in time to be counted.

This legislation requires election officials to create electronic blank ballots and to post them online to cut down on some of these steps. Election officials must allow the use of faxes and e-mails to expedite correspondence with our troops. Together, these reforms will reduce dependence on snail mail—until the servicemember is ready to return the completed ballot to be counted.

Second, the MOVE Act will expedite the return of the completed ballot to elections officials. Under current law, each servicemember is responsible for making sure his or her ballot is postmarked and returned on time. Our legislation—this bipartisan legislation—requires the Department of Defense to take possession of completed ballots and ensure they get to election officials on a timely basis by using express mail, if necessary. This legislation will also require election officials to give our troops at least—at least—45 days in which to return their ballots.

The MOVE Act contains many other commonsense reforms that were suggested by other Senators and which will help end the effective disenfranchisement of our troops and their family members. However, one key provision of the bill we passed out of the Senate was modified in conference, and I believe all Senators should understand why and how that happened.

The provision I am referring to was in the bill I introduced called the Military Voters' Equal Access to Registration Act. It too became part of the MOVE Act and was amended to the Defense authorization bill as it passed out of the Senate. This legislation was designed to provide basic voting assistance services to every servicemember and family member upon transfer to a new military installation, as well as at other significant transition points in their military careers.

As part of in-processing at each base, every servicemember was to be offered an opportunity to fill out a simple form that would, first, register the servicemember or that family member to vote; it would, secondly, update existing registrations; and it would request absentee ballots for the next Federal election cycle. The Department of Defense would have then been responsible for forwarding the completed forms to the appropriate election officials.

This kind of voting assistance may sound familiar because it is nearly identical to the motor voter provisions contained in the National Voter Registration Act. The logic is that military installations can and should offer the same kind of voting assistance that their local department of motor vehicles would offer to them if they lived at home stateside.

This legislation makes practical sense because many of our troops and their families are transferred quickly and without much notice, and it is difficult for them to keep changing the address that local officials have on file.

During the conference process, when we were working with our counterparts in the House of Representatives, this legislation was watered down, unfortunately, and was made optional for the Department of Defense to offer voting assistance to our troops and their families.

I have to say, I was disappointed at this action because when our troops are given orders to deploy elsewhere, obviously, those orders are not optional and neither should the requirement of the Department of Defense when it comes to helping make sure our deployed troops' votes actually count. So it should not be optional for the Department of Defense to offer these services to the troops and their families when they arrive, as ordered, at their new post.

I am particularly concerned this legislation was weakened at the specific

request of the Department of Defense. Furthermore, the Department's objection was based on a misreading of the National Voter Registration Act. In fact, at our request, the Department of Defense's objections were reviewed by subject matter experts at the Department of Justice. These experts at the Department of Justice agreed with us on the clear meaning of the law and that the Department of Defense had made an error in interpreting the Senate bill. Unfortunately, by then the damage was done and House conferees deferred to the Department of Defense interpretation of this legislation and made it optional at their request.

I do not think the Senate should be content to kick a field goal when we could have scored a touchdown for the men and women of our U.S. military—and we will.

First, I expect the Department of Defense to implement this optional program at every applicable military installation. I will request regular updates from the Department on its implementation, as well as any explanation for delays. We will not let up until we make sure this is complied with.

Secondly, I expect the Department of Defense to correct the official record and to make clear to the Members of the House and the Senate who were conferees that its objection to this legislation was based on an erroneous interpretation of the law.

Third, I intend to offer amendments to other legislative vehicles to correct this watering down of this important provision—the language passed out of this Chamber unanimously—and I will continue to make sure it becomes ultimately the law of the land.

The provisions of the MOVE Act that did make it through conference, I do believe, represent a clear win for our troops and their families. Many of my colleagues were instrumental in making this happen, and I thank all of them. Again, this was a bipartisan effort.

However, my colleagues in the conference also included language in the Defense authorization bill which clearly does not belong in this bill and which I do not support. I refer, of course, to language addressing so-called hate crimes in the conference report.

I, in a previous life, was a judge for 13 years and attorney general of my State after that. I believe very firmly in the concept of equal justice under the law, and I believe crime should not be treated differently based on the victim of that crime. I have had the privilege of working with many victims of crime and their families, and I share their determination that those who commit crimes should be delivered swift justice and be held accountable.

But a fair justice system, committed to equal justice under the law, does not distinguish between crimes based on race, gender or whatever the category that is included in a particular list. A fair justice system, committed to equal justice under the law, does not criminalize thoughts or perceptions. It criminalizes behavior. In this country, a fair justice system, committed to equal justice under the law, is based on federalism, one which respects that State and local law enforcement and prosecutors are doing their jobs fairly and responsibly.

Expanding hate crimes legislation should not be part of this conference report. Not withstanding this flaw in the bill, I will vote for the conference report but with this reservation. The hate crimes provision does not belong in the bill and I believe violates our national commitment to equal justice under the law.

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. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

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

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

Mr. BROWN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAMBLISS. 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. CHAMBLISS. 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.

COLQUITT REGIONAL MEDICAL CENTER'S 70TH ANNIVERSARY

Mr. CHAMBLISS. Madam President, I rise today to commemorate the 70th anniversary of Colquitt Regional Medical Center in my hometown of Moultrie, GA. For seven decades, residents of southwest Georgia have been fortunate not only to have a state-of-the-art facility but also to be served by a hospital that has boasted visionary leadership.

Back in 1935, the Public Works Administration approved $50,000 for a new hospital in Moultrie, but only if the community could match those funds. That is when Moultrie businessman W.C. Vereen stepped up and pledged $50,000 and, in turn, made his offer contingent on the community matching his funds. Thereafter, a grassroots campaign to build a hospital was born, at a total of $140,500—a very significant amount of money in those days.

On October 17, 1939, the Vereen Memorial Hospital was dedicated, and the first operation was performed a week later.

From those humble beginnings, the now-rechristened Colquitt Regional Medical Center has grown into a comprehensive health care facility, boasting medical services that include dialysis, physician offices, oncology, and a home health care component, among others.

It speaks volumes about the community, the camaraderie, and the success of Colquitt Regional Medical Center to know that in 70 years, this hospital has had only four CEOs, and the first one only served for 2 years.

Its first two CEOs—Pierina Egan and Nora Manning, both of whom obviously were female—in addition to dealing with the day-to-day challenges of managing a hospital, also had to contend with growing the facility and coping with a doctor shortage brought on by World War II.

Ms. Manning was succeeded by Millard Wear, who served as CEO for 14 years and oversaw the creation of a brandnew 126-bed facility.

In 1982, Mr. Wear was succeeded by the very able Jim Lowry, who continues to head the hospital to this day. Under Mr. Lowry's tutelage, Colquitt Regional Medical Center has become a force to be reckoned with in physician and specialist recruitment. It has also undergone four expansion projects and added off-campus facilities, making it a truly regional endeavor.

In 1992, Colquitt Regional Medical Center was named the Georgia Hospital Association Rural Hospital of the Year. In 2007, it received the hospital association's Community Leadership Award. It has consistently performed at the top of Georgia's hospitals in patient satisfaction.

On a personal note, my son Bo was born at Colquitt Regional. I have had the unfortunate situation of needing five surgeries at Colquitt Regional but was very fortunate to be treated by the very finest doctors our country has to offer and a very skilled and excellent group of nurses. All of the employees and operators at Cochran Regional—from the professionals, the administration, as well as the day-to-day personnel, including our pink ladies, who are our volunteers—do an outstanding job of making this hospital a truly fine medical facility serving a very broad area in the rural southwest part of my State.

The folks at Colquitt Regional Medical Center do a tremendous job in serving the community. In fact, they also constitute a large part of our community in southwest Georgia, and we are thankful to have them in our midst. I congratulate Colquitt Regional Medical Center on 70 wonderful years of service.

With that, Madam President, I yield the floor.

Mr. FEINGOLD. Madam President, I oppose this legislation because it does

nothing to bring our open-ended and disproportionate military commitment in Afghanistan to an end and/or to ensure that our troops are safely and expeditiously redeployed from Iraq. I am concerned that our current military strategy in Iraq and Afghanistan may undermine our ability to combat al-Qaida while imposing a tremendous burden on our brave servicemembers and on American taxpayers.

This bill includes several important provisions, including provisions I authored that will help improve care for wounded warriors and the hate crimes legislation that was first introduced over 8 years ago. But I cannot support a bill that does not do enough to protect our country from our top national security threat, al-Qaida.

Mr. SCHUMER. Madam President, I rise today to address the Military and Overseas Voter Empowerment Act of 2009—the MOVE Act. Since its inception, the MOVE Act has garnered strong bipartisan support, and today we celebrate its passage as part of the National Defense Authorization Act.

I want to recognize the importance of this Act and also to acknowledge my partners in this effort especially my friends and colleagues, Senator SAXBY CHAMBLISS, Senator BEN NELSON, Senator BOB BENNETT, and Senator JOHN CORNYN. I would also like to thank Senators LEVIN and MCCAIN and their staffs, as well as the House and Senate conferees for their time, support, and work to ensure that the provisions of the MOVE Act were included in the conference report.

Every now and then an opportunity emerges to work on an important issue with a team of colleagues towards a single goal. This bill provided one such opportunity, and I am extremely pleased to have worked with such a committed team. This legislation is a bipartisan solution to a serious, yet all too familiar problem—the problem of military and other overseas voters not being able to cast their vote and have that vote counted.

Every couple of years there is a great push to improve the process of military and overseas voting. However, as soon as the election is over, Congress too often neglects to push for improved rights for military voters. That neglect is over. The needs of military and overseas voters have been heard, and met, with this legislation.

While the need for Congress to act is now, this is not a new problem and we are not the first to identify the problem and attempt to deal with it. The first revolution in military voting rights occurred not when our soldiers were overseas. It occurred during the Civil War. At that time, the right to vote was provided by the Constitution, and soldiers from both the Union and the Confederacy depended on State law to determine whether they could vote ''in the field'' during wartime.

According to historians, there were two methods of voting then. In the first system, a closed ballot box was taken to the field of battle, the ballots were cast there, and the box returned to the jurisdiction. States at the time questioned whether the act of voting outside their jurisdictions could be authorized by State law.

Other objections to voting ''in the field'' were heard when a State constitution prescribed the place, time and manner of elections; and if military voting was conducted prior to Election Day, whether early voting would violate State constitutions.

The second type of voting was known as ''proxy voting.'' A soldier's completed ballot was mailed to someone, such as a family member, in the soldier's regular place of voting. This completed proxy vote would then be delivered on Election Day. My home State of New York used the proxy vote procedure during the Civil War. While proxy voting avoided the constitutional problems of voting ''in the field,'' it was subject to other problems: the lack of a secret ballot; the transmission of the proxy ballot to the place of voting, and concerns about fraud.

Given the pressure to ensure that soldiers' rights were not diminished by their service, States in both the North and South passed laws to allow for voting for Federal office. President Lincoln, in addition to presiding over the War Department's filing of the first military voting regulations on October 1, 1864, intervened with his generals directly to ensure that those soldiers who could vote be given that right.

In an 1864 letter to GEN William Rosecrans, President Lincoln wrote these stern words: ''I have a report that you incline to deny the soldiers the right of attending the election in Missouri. . . . Wherever the law allows soldiers to vote their officers must also allow it.''

Eighty years later, with the country locked in the crisis of the Second World War, President Franklin Delano Roosevelt sent a very pointed Message to the United States Congress on the same issue. It begins: ''The American people are very much concerned over the fact that the vast majority of the eleven million members of the armed forces of the United States are going to be deprived of their right to vote in the important national election this fall, unless the Congress promptly enacts adequate legislation. . . . The men and women who are in the armed forces are rightfully indignant about it. They have left their homes and jobs and schools to meet and defeat the enemies who would destroy all our democratic institutions, including our right to vote. [They] cannot understand why the fact that they are fighting should disqualify them from voting.''

President Roosevelt foreshadows the issues we are still fighting to fix when he further advised Congress:

By the 1944 elections, there will be than five million Americans outside the limits of the United States in our armed forces and merchant marine. They and the millions more who will be stationed within the US waiting the day to join their comrades on the battle-fronts, will all be subject to frequent, rapid, and unpredictable transfer to other points outside and inside the United States.

He concluded by arguing that ''. . . What is needed is a complete change of machinery for absentee balloting, which will give [the armed forces] all over the world an opportunity to cast their ballots without time-consuming correspondence. . . .''

I am subjecting us all to a bit of a history lesson here because I believe this is a very fundamental—and yet unresolved—issue facing our military and our system of elections. We meet again, 65 years after President Roosevelt's Message to Congress, and 145 years after President Lincoln's directive to let soldiers vote, to again address fundamental improvements to military and overseas voting.

Building on the tools already in law, this legislation creates a system of improved access with multiple fail-safes built into the process. We use new technology to create more options for registration and ballot delivery, and at long last provide enough time for the military service men and women to vote. The lost letter, the late delivery, the ballot not notarized, and the last-minute troop transfer should no longer impede these voters from having their votes counted.

What we did in the Military and Overseas Voter Empowerment Act will have a direct and dramatic impact on the rights of military voters.

In May 2009, I chaired a hearing in the Committee on Rules and Administration on the problems that military and overseas voters face. What we heard was nothing short of shocking.

We learned that during the 2008 general election, our military and overseas voters still faced a complicated and convoluted system that made it impossible for many of them to have their votes counted.

The committee convened a study of last year's election, which revealed that more than one in four ballots requested by military and other overseas voters were never received by local election officials and, thus, never counted. Let me repeat: one in four ballots requested were never counted. We owe our men and women in uniform more. Does it make sense that they are fighting for the very freedoms that we enjoy, yet are unable to choose their Commander in Chief? No, it does not.

If we can deploy tanks, high-tech equipment, and food to the front lines, we can figure out a way to deliver ballots to our troops so that they can be returned and counted.

The MOVE Act does precisely that, correcting many of the flaws that riddle the absentee balloting process for overseas voters.

By modernizing the voting process, increasing accessibility to voter registration and balloting materials, and requiring election officials to send out

ballots to military and overseas voters in time for them to be returned and counted, this legislation—at long last—brings overseas voting into the 21st century.

Consider a letter one soldier sent to the Overseas Vote Foundation after the 2008 election, in which that solider said: ''I hate that because of my military service overseas, I was precluded from voting.'' That solider continued, ''Of all people, deployed servicemembers should have a guaranteed ability to vote.''

I say here on the floor of the Senate that I absolutely agree.

The MOVE Act will ensure that military and other overseas voters know how to register to vote and how to request an absentee ballot. They will receive their ballot in a timely manner, and have that ballot counted on election day.

How did we accomplish that goal? Through a number of simple, straightforward fixes to the overseas voting process:

First, this legislation gives the right to military and overseas voters to request—and requires States to send—registration materials, absentee ballot requests, and blank absentee ballots electronically. In the computer age, it is long past time we used technology to speed up the voting process. For many troops, this quick transmission of ballots will give them for the first time a sufficient number of days to vote.

Second, this legislation ensures that overseas voters have at least 45 days to complete their absentee ballots and return them to election officials. For those voters who have no access to electronic delivery of ballots, this should provide the time for a ballot to travel to Iraq or Afghanistan, and back to the local election official. This need was exposed by a 2009 Pew Charitable Trusts study aptly named ''No Time to Vote.''

This legislation also requires that military absentee ballots be sent through expedited mail procedures, further reducing the transmission time for voted ballots to make it back to local election officials.

In the Rules Committee hearing, we listened to the concerns of Air Force LTC Joseph DeCaro. One major concern he described was that there was no way to ensure that the ballots had been properly received by the election office. This legislation will allow military and overseas voters to determine whether their ballot has been received by the local election official. That way, if their ballots are not received, the voters can take steps to ensure a replacement vote is cast.

If a ballot is lost, or cannot be resent in time, we require the Department of Defense to create an online tool that allows military and overseas voters to identify all the races they are qualified to vote for, and submit a replacement ballot immediately. This ensures that troops can complete a full Federal ballot in time for the election.

The legislation prevents election officials from rejecting overseas absentee ballots for reasons not related to voter eligibility, like paper weight or notarization requirements. I ask you, how can a marine in Fallujah find a notary?

The legislation has the Department of Defense work with election officials to define and improve election data related to military and overseas voters. More accurate election data will reduce future problems and speed fixes to the voting process.

Finally, this legislation expands resources for overseas voters through the Federal Voting Assistance Program.

As a result of this new legislation, the Department of Defense will use online tools to train and inform its staff on crucial voting information. And all military servicemembers will receive uniform notices and information via e-mail prior to registration or election deadlines.

Finally, this legislation directs that every military installation have a place where soldiers can register to vote, update their registration information, and request an absentee ballot. Military voters, as they are transferred or reassigned to different bases, will be provided the opportunity to change their election information.

We also know that that there are improvements still to make. A pilot project included in the legislation will promote research into new technology to help assist future voters with absentee balloting. The tools and mandates set forth in this legislation are minimum requirements. And if technology can improve secure ballot transmission, we want that work done.

Again, it is simply unacceptable that those who fight to defend our freedom often face the greatest obstacles in exercising their right to vote.

While good work has been done in the past to improve military voting, I firmly believe that the MOVE Act has incorporated the best and strongest ideas on how to ensure a modern military receives every opportunity to cast their ballot. Working with States and local election officials, we must encourage prompt implementation of the MOVE Act so that the benefits of the act will impact voters in the 2010 elections.

In our Rules Committee hearing this May, I made the public commitment that we would not have another Federal election without these tools in place for our military voters, and I am very pleased that this act was agreed to by the House and Senate. I again thank our colleagues in this truly bipartisan effort, and I look forward to President Obama's signature on this important piece of legislation.

Mr. LIEBERMAN. Madam President, I rise today to speak on the conference report to accompany H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010.

As a member of the Senate Armed Services Committee and the chairman of its Subcommittee on Airland, I had the honor and pleasure again this year of working with Chairman LEVIN and Senator MCCAIN on this bill. I congratulate them for working with their House counterparts, Chairman SKELTON and Representative MCKEON, to deliver a bill that will help keep our Nation safe and provide our troops with the support they deserve.

I also wish to thank Senator THUNE, who is my ranking member on the Airland Subcommittee, and Chairman ABERCROMBIE and Representative BARTLETT of the House's Air and Land Forces Subcommittee, for the close cooperation we achieved this year on the areas that fall under our shared jurisdiction.

There are several accomplishments in this bill of which I am especially proud.

This bill will increase the authorized size, known as end strength, of our active duty Army from 532,400 to 562,400 for fiscal year 2010, and further authorized the Secretary of Defense to increase the Army by an additional 30,000 soldiers in fiscal years 2011 and 2012. This growth in the Army is essential—our soldiers are under incredible strain from multiple tours in Iraq and Afghanistan, oftentimes with little more than a year at home to rest and train for every year that they spend in theater.

I applaud the President's decision this July to add 22,000 soldiers to the Army, and call upon him to use the authority provided in this bill to do more. We must ensure that our Army is large enough for all the missions we ask of it, and also give our soldiers the time they need at home to rest, train, and be with their friends and families.

With regard to missile defense, this bill includes an amendment that Senator SESSIONS and I, along with a bipartisan group of cosponsors, introduced to ensure that the administration's new architecture for missile defenses in Europe will be as capable as the previous plan that was set aside. I believe that this section of the final bill, paired with section 8121 of the Senate version of the Defense Appropriations Act, which protects funding for the continued development of the two-stage ground based interceptor, will help to keep our Nation safe against Iran's aggressive missile programs.

This bill also makes critical investments in our Nation's sea power. It authorizes $4.2 billion for Virginia-class submarines, which will be procured at the rate of two per year from 2011, and $495 million for the research and development of a replacement to our aging Ohio-class strategic deterrence submarines. I am very proud of the skilled workers of my home State of Connecticut who build these essential submarines.

Turning to the Army's modernization programs, the final version of this bill supports the decision by the Secretary of Defense and the Army's leadership to restructure the FCS program. This

bill will provide full funding for the ''Spin Out'' portions of that program and the continued development of the network. I look forward to working with Senator THUNE in the coming year to evaluate the Army's revamped strategy for developing and procuring ground combat vehicles for our soldiers.

There is one element of this bill with which I must express my deep disappointment—the inclusion of $560 million in funds for the continued development and procurement of an alternate engine for the F–35 Joint Strike Fighter.

When the President introduced his plans for reducing spending in the budget this May, he specifically pointed out the alternate engine as the singular example of programs that ''do nothing to keep us safe—but rather prevent us from spending money on what does keep us safe.'' He continued to say ''the pentagon does not want—and does not plan to use—the alternative version'' to the engine that it already has for the Joint Strike Fighter.

Since the President's initial comments on this unnecessary and wasteful program, the Secretary of Defense and the uniformed military leadership have explained exactly why they do not want this unnecessary, alternate engine. It is because they know the danger this earmark poses to the Joint Strike Fighter, which is planned to be the cornerstone of American air power for decades to come.

If Congress forced the Defense Department to continue paying for an alternate engine, it would cost an additional $4 to $6 billion over just the next 5 years—billions of dollars that the Department has not planned for, and that would either have to come from the Joint Strike Fighter or other critical programs to keep our country safe.

If Congress forced the Defense Department to procure the alternate engine that it does not want, it would prevent the Joint Strike Fighter program from achieving economies of scale for years to come, as it split its procurement to maintain two manufacturing lines. The costs of the program would rise, along with the risk that it will never deliver the aircraft that our Nation requires.

When he testified before the Senate Armed Services Committee in June, Air Force LTG Mark Shackelford explained that these added costs would mean that the Air Force would be able to afford some 53 fewer of the Joint Strike Fighter aircraft that it needs to support our airmen.

In response to the President's strong arguments and the concerns of our military leadership, the Senate put this question to a vote in on July 23, deciding by a vote of 59–38 to end the unnecessary, alternate engine. Although the House never took similar action on this topic, the Senate receded to its position in conference.

I call upon President Obama to send a clear message to our colleagues on the Appropriations committee—that he will veto an appropriations bill that includes funds for this unnecessary program. Fifty-nine Members of this body stood by the President when he first called upon us to end this program, and I am sure that we will stand by him again.

Despite this strong reservation, I call upon my colleagues to vote for the adoption this conference report and again thank my colleagues on the Armed Services Committee for their hard work on behalf of our service men and women.

Mr. DODD. Madam President, I rise to speak about the fiscal year 2010 National Defense authorization bill. Although I believe this to be a flawed piece of legislation, I will support it because it provides critical resources, training, and equipment to our troops serving overseas. It adds 30,000 soldiers to our Army, lightening the strain of rigorous deployment cycles. And it provides a 3.4-percent pay raise for our men and women in uniform—not enough, in my view, but welcomed nonetheless. It also authorizes various facility upgrades for our troops, including $9 million to begin construction of an Air Operations Command Center at Bradley International Airport in my State of Connecticut. I commend my colleagues from Michigan and Arizona for their hard work on this bill.

I would also like to take a moment to offer my strong support to the hate crimes prevention amendment. I am also proud to be an original cosponsor of the underlying legislation, the Mathew Sheppard Local Law Enforcement Hate Crimes Prevention Act of 2007, and I only wish that my dear friend, the late Senator Kennedy, could be here with us today to see this topic that was so important to him, finally be considered for final passage. This legislation is truly historic and is long overdue. Hate crimes sow discord and threaten entire communities. They are a particularly virulent form of violence, and that is why a broad consensus supports reacting to crimes motivated by bias with swift investigations and strong penalties. However, the special nature of hate crimes often makes those investigations particularly difficult, especially for small, local police departments. Passage of the bill before us will bring more criminals to justice by making it easier for the federal government to assist the investigations of more crimes. I am extremely proud to support this provision.

Despite my strong support for this important provision and many others in this bill, I also have to note some serious reservations I have with some portions of the bill. First, this bill effectively kills our Nation's most advanced tactical aircraft program, the F–22 Raptor, without any plans for replacing it. Furthermore, it fails to authorize funding for any additional C–17 cargo aircraft, though these planes are critical for transporting troops and equipment. Worse, the bill restricts the Air Force from retiring the aging C–5 cargo fleet, planes that are now some 40 years old. Over the President's objection, this bill forces the Pentagon to maintain aging aircraft, imposing an unnecessary burden on our taxpayers and an unacceptable risk on our troops.

I am also disappointed by the inclusion of $560 million for the continued development of the F–136 Joint Strike Fighter alternate engine. This is wasted money, pure and simple. We are already developing an engine that our military supports—one build by the skilled workers at Pratt & Whitney. The Pratt engine has now accumulated more than 140 hours of flight tests without failure. Developing a second engine wastes billions of taxpayer dollars, money that could be better spent on things our troops actually need.

So this is not a perfect bill. But there will be an opportunity to address these issues in the upcoming Defense appropriations bill, during whose consideration the critical priorities I have outlined attained bipartisan support. I am optimistic that we will soon be considering legislation that invest in strategic airlift platforms like the C–17, as well as other important military needs. And I remain optimistic that my colleagues share my commitment to our critical aerospace priorities. This bill includes $2.5 billion to build 125 Blackhawk helicopters for the Army and Navy, aircraft that have proven invaluable in operations in Iraq and Afghanistan. In addition, $92 million is authorized for a highly advanced wide area surveillance radar system, which will be built in Norwalk, CT, and which will prove critical for our forces' future ability to have precise and up-to-date intelligence of the battlefield. Similarly, $250 million is authorized to build new Pratt & Whitney engines for the Joint STARS radar aircraft that are widely used in Iraq and Afghanistan. The bill also authorizes 18 F/A–18 fighter aircraft and 30 F–35 Joint Strike Fighters, which marks the beginning of a long production run of these sophisticated jets.

This is good news for our military and good news for our economy. According to the Department of Labor, ''The aerospace industry is a powerful force within the U.S. economy and one of the nation's most competitive industries in the global marketplace. It contributes over 15 percent to our Gross Domestic Product and supports over 15 million high-quality American jobs.'' And, as I have stated before, my small State of Connecticut, which ranks 29th in the Nation in terms of total population, is 6th in aerospace employment. The workers at companies such as Pratt & Whitney, Hamilton Sundstrand, Sikorsky Aircraft, Goodrich, Norden Systems, Kaman, Aerogear, and hundreds of others work day in and day out to provide our troops with the highest quality equipment in the world. The billions of dollars of funding authorized in this bill is

proof of our military's appreciation for their hard work.

Just as important as protecting our troops from the skies is protecting them when they are at sea. That is why funding authorized in this bill for the Virginia class submarine program is so important. The bill includes $4 billion to procure one submarine next year and to prepare to begin building two submarines per year in 2011. This boost in production will better equip our Navy to deliver Special Forces such as the SEALs without detection, launch precision missiles on a moment's notice, and intercept enemy signals unseen and unaffected by weather. This bill also authorizes $495 million to design the Ohio class replacement submarine, our next generation ballistic missile submarine. This bill confirms that submarines have and will continue to stealthily protect our country for decades to come.

There is no higher priority than our national defense. And the brave men and women who serve us overseas must have the resources they need to do their jobs. I will support this legislation because it does that. But I look forward to working with my colleagues to strengthen our approach to defense policy so that we can address some of the shortcomings of this bill as we consider further legislation in the weeks ahead.

Mr. KIRK. Madam President, Congress will pass an exceptional bill today. I know that Senator Kennedy would have been proud of this responsible legislation and the ways in which it benefits our Armed Forces and our country.

The bill specifically honors the sacrifice of our men and women in uniform, and it includes provisions to put mechanisms in place to strengthen our current defense operations and our national security. I commend my colleagues on the Armed Services Committee for their leadership on these issues, and I am honored to serve on the committee in Senator Kennedy's place.

I wanted to spend a moment praising our colleagues for agreeing to include another important provision in the bill, the Matthew Shepard Hate Crimes Prevention Act. I know Senator Kennedy would have been especially pleased by its inclusion. It is an extremely important bill and was especially important to Senator Kennedy.

He worked on it for years to close the loopholes that have prevented effective prosecution of these flagrant crimes that terrorize entire groups of communities across America.

As Senator Kennedy said so well:

> We want to be able to have a value system that is worthy for our brave men and women to defend. They are fighting overseas for our values. One of the values is that we should not, in this country, in this democracy, permit the kind of hatred and bigotry that has stained the history of this nation over a considerable period of time.

The statistics about hate crimes are shocking and shameful. For far too long, law enforcement has been forced to investigate these vicious crimes with one hand tied behind its back. The Matthew Shepard Hate Crimes Prevention Act gives Federal, State, and local law enforcement agencies the real power and authority they need to combat these brutal acts of domestic terrorism.

The bill makes it clear that the time is now to stand up for all victims of hate crimes across America. It would not have advanced this far without the dedication of Senator Kennedy and other key colleagues, especially Senator REID, Senator LEAHY and Senator LEVIN. I also praise the incredible and tireless advocacy of Matthew Shepard's mother, Judy. She educated all of us about the immense impact of such crimes, and I know how much Senator Kennedy admired her for all she's done to make sure that no other families have to endure the horror she faced in the loss of her son.

I know that it is unusual to include such a measure in the defense bill. But the rule of law will be stronger in America because of the inclusion of the Matthew Shepard Hate Crimes Prevention Act in this year's National Defense Authorization Act. I look forward to it becoming law as soon as possible.

Mr. KYL. Madam President, I am voting no on the conference report to the fiscal year 2010 DOD Authorization Act.

This was not an easy decision. This is a very important bill in view of the important policies it puts in place for our men and women uniform and I commend the leadership of the committee's chairman and ranking member for their commitment to the well being of our nation's armed forces. This conference report also contains several important provisions I authored or coauthored.

However, I believe is unconscionable that this bill has been taken hostage by the far Left to advance its hate crimes agenda. I cannot provide my vote for a bill that uses our military in this way if we permit it this time, where will it end?

Because of this, while this is an important conference report, and mostly a good one, I cannot vote in favor of it today.

The Defense Authorization Act authorizes more than $680 billion for national defense programs; this figure includes authorization for funding for ongoing operations in Iraq, Afghanistan, and the war on terror. It also authorizes funding for such crucial programs as Department of Defense military assistance to for Afghanistan and Pakistan. And it includes $7.5 billion to train and equip Afghan security forces and $1.3 billion for the Commanders' Emergency Response Program, which provides funds for commanders in Iraq and Afghanistan to spur local security and reconstruction projects.

The bill appropriately caps F–22 production at 187 aircraft—which the Pentagon requested—and it includes $6.7 billion for armored vehicles including the new M-ATVs, $600 million for equipment shortfalls in the National Guard, and more funding for defense health and family support programs. It also includes a 3.4 percent across-the-board pay raise for the men and women in the military

I am also pleased that the conference report contains several provisions I authored or coauthored, including an amendment requiring a comprehensive review by the Government Accountability Office on the successes, failures and unmet objectives of the Stockpile Stewardship Program. This is an important report for future debates on START and other matters, a provision I coauthored, section 1254, with Senators BAYH and LIEBERMAN on imposing sanctions on Iran if it continues its illegal nuclear weapons program. I am disappointed that this provision was watered down in conference, as it passed the Senate with its unanimous endorsement that the Iranian Central Bank should be sanctioned if Iran continues to defy the world on uranium enrichment. However, I am pleased that it continues to state the strong support of the Congress for the proposition that Iran must comply with the U.N. Security Council Resolutions directing it to halt uranium enrichment a provision I authored, Section 1251, with several of my colleagues, including the Republican leader and the ranking member of the Armed Services Committee, regarding the START follow-on.

I am pleased that the conference report enshrines in law that the President must deliver to the Congress a report on the plan to modernize the nuclear weapons stockpile and complex, as well as the delivery vehicles.

The Perry-Schlesinger Commission was clear that further reductions in the U.S. nuclear weapons force are only prudent if the weapons that remain are highly reliable and credible. This is only possible with a robust modernization program, which has to include full and timely Lifetime Extension Programs for the B61 and W76 warheads consistent with military needs; funding for a modern warhead that includes new approaches to life extension involving replacement, or, possibly, component reuse; full funding for stockpile surveillance work through the nuclear weapons complex, as well as the science and engineering campaigns at the national laboratories; and full funding for the timely replacement of the Los Alamos plutonium research and development and analytical chemistry facility, the uranium facilities at the Oak Ridge Y–12 plant, and a modern pit facility.

This provision greatly strengthens the DOD authorization bill, and, I think, makes it more likely the Senate will be able to ratify a follow-on treaty to START, especially if the President heeds the Senate's advice, in this section, that missile defense, space systems, and advanced conventional modernization, which includes nonnuclear

global strike capability are not subjects for this follow-on agreement.

I would have been proud to cast my vote for legislation providing these policies for our men and women in uniform; and I am grateful for the leadership of the chairman and ranking member on these issues.

I am, however, concerned by several provisions of the bill. First, I opposed the inclusion of funding for an alternate engine for the F–35, or Joint Strike Fighter. At a time when we are fighting two wars, the $560 million authorized in this bill for the development and procurement of an alternate engine could be better spent to support our troops. The Secretary of Defense opposes this program, and the administration so strongly opposes the alternate engine that the President's advisers have recommended he veto the bill over this provision.

Our national debt is spiraling out of control. Critical defense programs, like missile defense, are underfunded. The F–35 alternate engine is a prime example of an unnecessary program that should not be authorized in this bill.

I am also greatly concerned about the manner in which missile defense is addressed in the conference report. I joined Senators LIEBERMAN and SESSIONS in offering an amendment to the Senate version of the NDAA that would require the administration to certify that any proposed alternative to the planned missile defense sites in Poland and the Czech Republic be at least as cost effective and operationally effective as the original plan. In particular, I wanted to ensure that any alternative proposal was capable of protecting the United States as well as our European allies against long-range Iranian ballistic missiles. This amendment was adopted unanimously on the floor of the Senate, while a similar version was also included in the House-passed version of the NDAA.

Unfortunately, the conference report only authorizes funding for the alternative proposal and eliminates entirely the certification requirement that the alternative be as least as effective as the planned deployments in Poland and the Czech Republic. As such, I believe the administration is moving forward with a plan for missile defenses in Europe that will leave most of Europe and the United States more vulnerable to the threat of long-range Iranian ballistic missiles than the previous plan.

I would also note that this authorization bill endorses an approach to missile defense that emphasizes theater missile defense over the protection of the U.S. homeland. Under the previous plan, protection for the United States against future Iranian and North Korean intercontinental ballistic missiles was to be guaranteed by 54 ground-based interceptors: 40 deployed in Alaska, 4 in California, and 10 in Poland. The Obama administration has curtailed this to deployment to 30 ground-based interceptors in Alaska. Attempts by the minority to restore funding for the deployment of additional ground-based interceptors were rejected by the majority in both the House and the Senate. America will be less secure as a consequence.

Finally, the so-called hate crimes bill should not have been attached to the defense authorization act. Adding this left-wing priority onto the legislation that authorizes funding for our troops in battle is not in our troops' best interest.

A hate crimes bill should have been considered by this Chamber as a stand-alone bill that would pass or fail on its own merits. By attaching it to the unrelated, and must-pass, NDAA, the sponsors of this legislation clearly indicated that they anticipated they would encounter trouble in successfully getting a hate crimes bill through the regular legislative process on its own. And with good reason the hate crimes legislation is unnecessary Federal Government interference in an issue that is adequately handled by the States.

Forty-five States and the District of Columbia already have hate crimes laws. To my knowledge, States have a track record of aggressively prosecuting hate crimes, making a Federal hate crimes prevention act an unnecessary imposition on state jurisdiction. After all, State, rather than Federal, courts exist to adjudicate local crimes. Matters that can be handled adequately by the States, like hate crimes prosecution, should be left to them.

Everyone in this Chamber undoubtedly wants to ensure that all Americans are protected from crime. But flawed legislation that unnecessarily takes responsibility away from States and further taxes the Department of Justice's resources does not enhance the protection of people from these crimes.

The chairman and ranking member worked hard to complete a conference report that I would have been able to support absent the so-called hate crimes bill. However, I cannot support using our men and women in uniform as pawns to satisfy the liberal base of the Democratic Party. For that reason, I must oppose the conference report.

Mr. MCCONNELL. Madam President, today I will cast my vote against the fiscal year 2010 Defense authorization bill. It is a step I take with some reluctance, as there are programs of merit authorized in this conference report.

I take this position because the majority has seen fit to attach unrelated hate crimes legislation. This controversial social policy has nothing to do with defense policy or our global war on terror. Instead, the majority has chosen to evade open committee hearings and debate on controversial social policy by pairing it with this legislation. In my view, all violent crime is malicious or hateful, and all victims suffer regardless of the motive of the criminal. I am also mindful of the concerns of the many Kentuckians who contacted me with their views that hate-crimes laws will lead to an expansion of Federal authority that could chill many forms of speech, including religious expression, that are protected by the first amendment to the U.S. Constitution.

There is much that is good in this year's Defense authorization bill, reflecting policies that I strongly support. For example, the bill authorizes a 3.4 percent pay increase for our military personnel; includes a number of bonuses and special pay provisions; contains favorable TRICARE provisions; and continues support for the alternate engine for the Joint Strike Fighter. It also includes a measure to make it easier for members of the military to vote. Further, it authorizes many worthwhile Kentucky appropriations projects that I have been proud to support.

Were the conference report not burdened with the unnecessary and ill-advised hate crimes legislation I would have supported it as I have consistently done in prior years. I am hopeful that the majority's effort with regard to hate crimes does not presage future legislative shortcuts on matters of national importance.

Mr. GRAHAM. Madam President, I rise today to state for the record that Congress has spoken on the major issues and concerns that have been raised about the Military Commissions Act of 2006. As one of the principal authors, I worked closely with the Chairman and Ranking Member to amend the language of the Military Commissions Act to address the concerns of the new administration, the judiciary, and other respected groups who have voiced concerns about military commissions. I would like to thank Chairman LEVIN and Ranking Member MCCAIN and their respective staffs for their hard work and many hours they dedicated to this bill. A common understanding for all as we move forward is that our country is at war and we are fighting a vicious, dedicated enemy who preys upon civilians and has no respect for the rule of law and human life. There are three key areas in which Congress has clarified the law, and I would like to briefly address these.

First, this legislation raises the bar to provide an even higher level of protection and process than enemy combatants—or enemy belligerents—have ever had in the history of war, much less since the Geneva Conventions were adopted. Common Article 3 of the Geneva Conventions prohibits the passing of sentences and the carrying out of executions without judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples. The detainees who are subject to MCA jurisdiction are not qualified for the privileged status of Prisoner of War. However, because we have such deep respect for due process in this country, Congress constituted a court under the MCA of 2006, in accordance with our Constitution, to

provide appropriate due process to those who conducted themselves outside the law of armed conflict. In the current legislation, we now add additional due process within this court.

Second, in the legal history of these commissions there has always been robust debate about how to handle sensitive classified information. The commissions by definition discuss the most sensitive elements of our national security and process cases against the most dangerous and committed enemies of our country. In the current legislation we have carefully drafted new protections to ensure our Nation's intelligence is protected, while also allowing the defendants to see the information presented against them. These procedures were modeled on the Classified Information Procedures Act and will therefore allow the judiciary to look to the developed case law of our Federal courts when issues arise that may not be entirely answered by the plain text of the statute. We intend that this case law be instructive but not necessarily binding on the military commissions. We have also included language to clarify that the national security privilege may be invoked by the government at any time in order to protect our national security.

Thirdly, the MCA of 2009 offers even more protections for the defendants. The new administration came to office voicing a number of concerns about the MCA of 2006. With their party also in control of both houses of Congress, there has been ample discussion and opportunity to draft new text addressing those concerns. During hearings before our committees, administration officials expressed both their official and personal concerns with respect to various aspects of the commissions. As an equal branch of government, Congress considered all those issues and addressed them in this new legislation. Among those concerns was the question of whether Congress had created an ex post facto issue in the MCA of 2006. Congress has modified the language on this issue in the current legislation, but has not changed its position. As the branch of government empowered to write the laws under our Constitution, Congress has codified offenses which have traditionally been tried by military commissions under customary international law. There is no need to go into a detailed history of military commissions and war crimes trials here, but it should be noted that Congress clearly states in this act that those who aid unlawful combatants are subject to the Commission's jurisdiction to the same extent as those who directly commit the crimes. Further, we understand that there will always be a debate about when the war with al-Qaida and violent extremists first began. Osama bin Laden formally declared war against the United States in a fatwa in 1996, but, of course, the first World Trade Center bombing was in February of 1993. Understanding the ambiguity of this issue, Congress has deliberately stated that the military commissions may exercise jurisdiction over offenses that occurred before the date of enactment.

In closing, I would like to note that in passing these reforms to the MCA of 2006, Congress has once again affirmed the legitimacy of the commissions, their sufficiency of due process, and their rightful place in our juris prudence. Our country is at war with an enemy that has clearly stated they will continue to disregard the law of war and commit war crimes. The military commissions are the most appropriate judicial forum in which to try those individuals.

Mr. SCHUMER. Madam President, I rise today in support of the Matthew Shepard Hate Crimes Prevention Act. Matthew Shepard was brutally murdered more than 11 years ago, and yet the bill that bears his name it still not law. Today, we will finally send this historic bill to President Obama for his signature.

Many of us here in Congress have fought for this day for years—my dear friend, the late Ted Kennedy, fought for this day for decades. It is a bittersweet day. For as much as this is a victory for all who stand for civil rights, it brings to mind those horrible crimes committed simply because an individual is gay, or black, or Latino, or Muslim, or because of any other aspect of their being.

These crimes must not be met with silence, but rather, with our loudest voices.

In an era in which we elected our first African-American president, we must condemn crimes based on racism, homophobia, anti-Semitism, or any other small-minded and intolerant angst. We must act, as these are crimes inflicted not merely on individuals, but on entire communities. They are attacks meant to not only break bones, but to break spirits. These crimes know no state boundaries—they are a national problem.

And today we will present the President with a national response. But let me be clear: this legislation does not criminalize speech or hateful thoughts. It seeks only to punish action—violent action that undermines the core values of our Nation.

One particularly chilling hate crime occurred in my home state of New York less than two weeks ago. The victim, Jack Prince, was leaving a deli in College Point, Queens late at night when two men started yelling anti-gay slurs at him. Suddenly, the perpetrators began beating him, savagely breaking Jack's jaw, his ribs, and causing both of his lungs to collapse. This crime, which was caught on video, shook the entire gay community.

This legislation sends a clear message to Jack's perpetrators and to all others: In America, we do not tolerate acts of violence motivated by hatred. In America, you are free to be yourself, and you should never be attacked for being so.

The time for waiting is over. The time for silence is over.

With the Matthew Shepard Act, we are helping local law enforcement stamp out crimes like the one committed earlier this month and punish its perpetrators. With the Matthew Shepard Act, we are saying, ''Enough!''

And, with the Matthew Shepard Act, we are honoring a brave soul. I personally want to thank Judy Shepard and all who continue to fight alongside her to make sure that we not only remember her son's life, but that we continue to strive for a better America.

For one last time, let me say: I urge my colleagues to support the Matthew Shepard Hate Crimes Prevention Act.

Mr. President, I yield the floor.

Mr. DURBIN. Madam President, I ask unanimous consent that at 4:40 p.m. today, all postcloture time be yielded back and the Senate then proceed to vote on the adoption of the conference report to accompany H.R. 2647, the Department of Defense Authorization Act; that no points of order be in order to the conference report; further that the vote on the motion to proceed to H.R. 3548 occur at 2:30 p.m., Tuesday, October 27.

Mr. REID. Madam President, reserving the right to object, I ask the distinguished assistant leader if he would agree to allow the vote to start immediately and that we make sure that 5 minutes is counted toward the end.

Mr. DURBIN. I have no objection.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

All time having been yielded back, the question is on agreeing to the conference report.

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Alaska (Ms. MURKOWSKI).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''no.''

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

The result was announced—yeas 68, nays 29, as follows:

[Rollcall Vote No. 327 Leg.]

YEAS—68

Akaka	Cardin	Franken
Baucus	Carper	Gillibrand
Bayh	Casey	Gregg
Begich	Collins	Hagan
Bennet	Conrad	Harkin
Bingaman	Cornyn	Hutchison
Bond	Dodd	Inouye
Boxer	Dorgan	Johnson
Brown	Durbin	Kaufman
Burris	Ensign	Kerry
Cantwell	Feinstein	Kirk

Klobuchar	Merkley	Snowe
Kohl	Mikulski	Specter
Landrieu	Murray	Stabenow
Lautenberg	Nelson (NE)	Tester
Leahy	Nelson (FL)	Udall (CO)
Levin	Pryor	Udall (NM)
Lieberman	Reed	Voinovich
Lincoln	Reid	Warner
Lugar	Rockefeller	Webb
McCain	Sanders	Whitehouse
McCaskill	Schumer	Wyden
Menendez	Shaheen	

NAYS—29

Alexander	Crapo	LeMieux
Barrasso	DeMint	McConnell
Bennett	Enzi	Risch
Brownback	Feingold	Roberts
Bunning	Graham	Sessions
Burr	Grassley	Shelby
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Cochran	Johanns	Wicker
Corker	Kyl	

NOT VOTING—3

Byrd	Hatch	Murkowski

The conference report was agreed to.

Mr. LEVIN. Mr. President, we have just adopted a landmark Defense authorization bill. We are sending to the President the 48th consecutive Defense authorization bill—I move to reconsider the vote on that bill and lay that motion upon the table.

The motion to lay upon the table was agreed to.

Mr. LEVIN. Mr. President, we have an unbroken tradition on our committee, 48 consecutive national Defense authorization bills. It is never easy to get this bill through the legislative process. But with perseverance, a lot of good-faith work has never let us down.

We maintain our focus because we are acting on behalf of our true heroes, the men and women of our Armed Forces and their families. The enactment of this conference report is going to provide the men and women of our Armed Forces, both Active and Reserve, and their families with the pay and benefits they deserve, the equipment and training they need.

The conference report includes $164 billion for military personnel, including costs of pay, allowances, bonuses, survivor benefits, and military health care. It would authorize a 3.4 percent across-the-board pay raise for our troops, a half a percent above the budget request and the annual increase in the employment cost Index.

The conference report would authorize $130 billion in funding for our ongoing military operations in Iraq and Afghanistan. It would provide more than $2.0 billion for the Joint Improvised Explosive Device Defeat Fund, to help take on the threat that has claimed so many American lives in Iraq and Afghanistan. It would fully fund the President's request for $7.5 billion to train and equip the Afghan National Army and the Afghan National Police.

This legislation sends a vital message to our men and women in uniform that we, as a nation, stand behind them and appreciate their service.

We are at this point because all our dedicated Members and all our dedicated staff members—on both sides of the Capitol—were all willing to hit on all cylinders and keep this bill rolling along.

Of course, I want to start by thanking my partner and my friend, Senator MCCAIN, as well as all committee members, for their active roles in getting us to this point. Our counterparts on the House side, Congressmen IKE SKELTON and BUCK MCKEON and the House Armed Services Committee staff lead by Erin Conaton and Bob Simmons, also have our gratitude. Senator MCCAIN and I are extremely grateful to our own committee staff members who so willingly put all their legislative expertise into this bill. Not only is there a tremendous amount of legislative craftsmanship involved, but there is a mind-boggling number of administrative details that have to be meticulously tracked in this massive bill.

I again thank my partner and my friend, Senator MCCAIN, as well as all committee members for their active roles in getting us to this very historic moment when there is much in this bill that is so important to our troops, as well as a number of other provisions which are critically important to success in Afghanistan and Iraq.

Our dedicated, hard-working staff assistants in particular deserve a special mention for their extraordinary efforts in this regard. As a visible sign of the high regard in which we hold our staff, I ask unanimous consent to have all staff members' names printed in the RECORD. I offer here a list of the staff of the Armed Services Committee for that purpose.

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

STAFF OF THE COMMITTEE ON ARMED SERVICES

Adam J. Barker, June M. Borawski, Joseph W. Bowab, Leah C. Brewer, Christian D. Brose, Joseph M. Bryan, Pablo E. Carrillo, Jonathan D. Clark, Ilona R. Cohen, Christine E. Cowart, Madelyn R. Creedon, Kevin A. Cronin, Richard D. DeBobes, Gabriella Eisen, Richard W. Fieldhouse, Creighton Greene, Howard H. Hoege III, Gary J. Howard, Paul J. Hubbard, Paul C. Hutton IV, Jessica L. Kingston, Jennifer R. Knowles, Michael V. Kostiw, Michael J. Kuiken, Mary J. Kyle, Christine G. Lang, and Terence K. Laughlin.

Gerald J. Leeling, Daniel A. Lerner, Peter K. Levine, Gregory R. Lilly, Hannah I. Lloyd, Jason W. Maroney, Thomas K. McConnell, William G. P. Monahan, David M. Morriss, Lucian L. Niemeyer, Michael J. Noblet, Christopher J. Paul, Cindy Pearson, Roy F. Phillips, John H. Quirk V, Brian F. Sebold, Arun A. Seraphin, Russell L. Shaffer, Travis E. Smith, Jennifer L. Stoker, William K. Sutey, Diana G. Tabler, Mary Louise Wagner, Richard F. Walsh, Breon N. Wells, and Dana W. White.

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

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

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each; that during morning business, Senator BROWN control up to 1 hour; and that during that time, he be permitted to enter into colloquies.

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

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

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

HEALTH CARE REFORM

Mr. DORGAN. Mr. President, as the Senate continues to discuss in various ways the issue of health care, I wanted to comment once again on the need, when the health care bill is finally brought to the floor, open for debate and amendment, to offer an amendment, which I and others will do, to address the cost of prescription drugs. One of the significant areas of cost increases for medicine is in prescription drugs.

Prescription drugs are unbelievably important. Many people manage their diseases with prescription drugs that were not available years or decades ago. Those people who are able to access prescription drugs for disease management are able to keep out of the hospital and avoid being in an acute-care bed, which is the costliest form of health care.

I understand the importance of prescription drugs in the health care system. I want us to continue to incentivize the development of new drugs, research and development. We do a lot of that through the National Institutes of Health, and so, too, do the pharmaceutical companies engage in research and development. But even as we do all of that to try to incentivize development of additional drugs and make them available for disease management, it is important to understand that part of the process of trying to put some downward pressure on health care costs is to put some downward pressure on the price of prescription drugs. It is a fact that we pay the highest prices in the world for brand-name prescription drugs. That is just a fact. In my judgment, it is not fair.

When a bill does come to the floor, I and a number of my colleagues—there are over 30 who have cosponsored legislation on prescription drugs—will offer as an amendment the legislation we have drafted together. It has significant safety provisions in it. It would

make the drug supply eminently safer than now exists, requiring pedigrees and batch lot numbers on everything that is produced and distributed so that we can track it. It would be a much more effective way of addressing the issue of counterfeit drugs.

Essentially what we propose is to put downward pressure on prescription drug prices by allowing the American people the freedom to access that identical prescription drug wherever it is sold, if it is FDA-approved, access it wherever it is sold for a fraction of the price that is charged here in the United States.

I have in my desk two pill bottles. They contain the medicine called Lipitor. I have used them many times and ask unanimous consent that I be allowed to use them on the floor.

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

Mr. DORGAN. These bottles are bottles that contain medicine produced in the exact same manufacturing plant. This plant happens to be in Ireland, and Lipitor happens to be the most prescribed prescription drug for the lowering of cholesterol anywhere in the world. More people take this for the lowering of cholesterol than anything else. I am not standing here advertising for it. I am making the point that this is made in Ireland. It is shipped all over the world.

As we can see, these are two bottles that look identical. They contain the same pill in the same bottle made by the same company made in the same plant. This bottle was shipped to Canada. This bottle was shipped to the United States. This is 90 tablets at 20 milligrams. Canadians are required to pay $1.83 per tablet for this drug. Americans—same pill, put in the same bottle, made in the same place, in an FDA-approved plant—pay $4.48 a pill. So it is $1.83 if you buy it north of here, $4.48 if you are an American citizen buying it in the United States.

Is that fair? It is not, in my judgment. It is not only Lipitor; it is brand-name drug after brand-name drug. How does that happen, and how can they make this stick? They do it because under current law the only entity that can import a prescription drug is the manufacturer of the drug. Therefore, if this prescription drug is sold in Italy or Spain or France or Canada—any number of countries—for a fraction of the price, the American people are prohibited from accessing that identical, FDA-approved drug that is sold at half or one-third of the cost in the United States.

With our legislation, we aim to give the American people some freedom—the freedom to access that drug. We establish a system by which they are able to access that FDA-approved drug from a chain of custody that is as safe as the American chain of custody and allow them to import that drug into this country by paying a fraction of the price. This is about freedom. Why would we not want to give the American people the freedom and the advantage of the system of trading?

Some say: You can't do that without limiting the opportunity for counterfeiting. They have been doing it in Europe for 20 years. If you are in Spain and want to buy a prescription drug from France, good for you; it is easy to do under something called parallel trading. If you are in Italy and want to buy a prescription drug from Germany, it is not a problem; they have something called parallel trading. They have been doing it for two decades without any safety issue at all. Yet they say we can't do it here in America? We can't manage something the Europeans have managed routinely for two decades? I think we can. Of course we can.

It is not just Lipitor. I mentioned previously that I was at a farmyard for a farm meeting some while ago. People were sitting around on bales of straw talking, and there was an old codger there. The subject of health care came up.

He said: I am near 80 years old. My wife is about 2 years younger, near 80. She just suffered breast cancer. She has been fighting a battle with breast cancer in the last 3 years.

This, by the way, was in the southern part of North Dakota.

He said: We drove to the Canadian border and then drove across the border every 3 months to buy Tamoxifen for my wife to fight her breast cancer. And the reason we did that is because we couldn't afford it here. We paid about 20 cents for what we would pay a dollar for in the United States for the Tamoxifen my wife needed. We had to drive to the Canadian border and across to buy it.

The fact is, he was allowed to do that because on an informal basis they allow you to bring across on your own person about 90 days' worth of prescription drugs. But for the most part, Americans are not allowed to access those lower cost prescription drugs. They are just not allowed.

Why not give the American people the freedom to access the same drug, put in the same bottle, made by the same company? If that company plant is inspected by the FDA, and the drug itself is FDA approved, why would you prevent the American people from having access to the very marketplace that everybody boasts about as being the free market?

I hear all my colleagues come to the floor all the time and talk about freedom. Yet I have seen some of them vote against the bill that would give the consumer the freedom to access these same drugs in places in the world where it is sold for a fraction of what the American people are charged.

There are 30 of us who have come together to write this legislation. It is a Dorgan-Snowe bill. Myself and my colleague, Senator SNOWE from Maine, have worked on this legislation for a long time, as have other colleagues. The late Senator Kennedy was a cosponsor of this legislation. Senator JOHN MCCAIN is a cosponsor of this legislation. Last year, when Barack Obama was a Senator, he was a cosponsor of my bill. So this is a very wide coalition. Senator GRASSLEY from Iowa asked me about this legislation when we came over for the last vote.

This is a very wide coalition of Republicans and Democrats who believe the American people ought to be given the freedom to access these identical prescription drugs that are sold at a fraction of the price in all the rest of the world at a time when the highest prices are charged to the American consumer.

If the goal of health care is twofold—one, to try to put some downward pressure on these relentless cost increases for health care; and, No. 2, to extend coverage to those who do not have it—how could we possibly bring a health care bill to the floor of the Senate and avoid the issue of whether we are going to do something about the relentless increasing march of prescription drug prices? How could we walk off the floor having done health care and say, ''Yes, we did not do anything, however, about prescription drug prices. Yes, we understand it is ratcheting up, up, up, and up, way out of the reach of some folks, but we did nothing about it.''

Some will say: Well, except that there was a deal made in which the White House announced an $80 billion deal with the pharmaceutical industry, and so on, that would have senior citizens buying brand-name prescription drugs in a manner that filled half of the doughnut hole—that is all Washington jargon—so, therefore, it becomes something that the pharmaceutical industry has contributed to the well-being of senior citizens.

I do not know about all that. I think it was Russell Long who said: I'm not for any deal that I was not a part of. Well, I do not know about what this deal is. I called the White House when it was represented by the pharmaceutical industry that this deal also included the White House's agreement to oppose the legislation I and others are talking about here. I called the White House. Actually, I did not call the physical structure. I called a high official in the White House and asked the question: Was there a deal made by which they would oppose this? And the answer was no, no such deal was made.

So there is a bipartisan group of us who will be here to offer this amendment. I fully expect in the consideration of deciding how to put some downward pressure on the costs of health care, our colleagues will join me and Senator SNOWE and so many others in adopting this amendment. At last—at long last—having been fighting this issue for many years, I believe, as we consider the health care bill on the floor of the Senate, we will include something that puts some pressure to bend down or at least to limit the kind of price increases we see every single year on these brand-name prescription drugs.

Let me say again, I have great respect for the pharmaceutical industry. It is looking after its own interests. Good for them. They should. They produce in some cases some miracle drugs, some of it with public funding through the National Institutes of Health, but, however, some of it, perhaps—not ''perhaps''—some of it with their own research and development. I do not want to do anything that interrupts our opportunity to produce these new medicines that will be helpful to the American people.

But I know what will happen. The minute we offer this amendment, we will have people popping up here on the floor of the Senate, and they will say: Aha, what you are going to do is shut down research and development for new drugs. That is what you are doing. You are going to shut down R&D that is going to develop the next miracle drug for Alzheimer's or Parkinson's, and so on.

I say, no, that is not the case at all. It is just not the case. In fact, they pay a much lower price for the brand-name drugs, the same drugs we pay for. They pay much lower prices in Europe and do more research and development in Europe than we do here in the United States. So go figure.

It is also the case that the industry spends more for marketing, advertising, and promotion than they do on research and development. If you doubt me, turn on your television set tomorrow morning when you are brushing your teeth and listen to the advertisements. The advertisements say: Go ask your doctor today. Run down to your doctor and ask whether the purple pill is right for you. Or: Didn't you wake up this morning thinking you needed some Flomax? Go talk to your doctor; you must need Flomax—whatever Flomax is.

My point is, they relentlessly push these medicines at you with unbelievable amounts of advertising. So I would say, how about knocking off a little of that, maybe pumping some of that money back into research? The fact is, the way you can get a prescription drug is if a doctor thinks you need it. That maybe is where the decision ought to be made, not while you are brushing your teeth watching a commercial on television, whether the purple pill would enhance your lifestyle.

So I only say that because I know the pushback when we offer this amendment will be to say: This will injure somehow the opportunity to do research and development. Nothing could be further from the truth. It will not. I want the pharmaceutical industry to succeed. This amendment is not punitive at all. I want them to charge prices that allow them to make profits. I just do not want them to charge the highest prices in the world to the American consumer—to do it over and over. Why? Because they can. Because the American consumer does not have the freedom to access those lower priced prescription drugs in the world economy.

Let me mention something, finally, about the larger area of health care. I held a lot of meetings in August, as most of my colleagues did, I am sure. I had standing room only at every single meeting, and I had people allege that whatever is done with health care will be a bill that will cover health care for illegal aliens, it will be a bill that pays for health care costs for abortions, it will be a piece of legislation that does this and that. It is unbelievable the allegations out there, which have no basis in truth at all.

I am not going to vote for a bill that does the five or six things that most people are alleging the bill would do. But that is not going to be in legislation. This legislation we will consider I hope will be—and if it is not, I will offer to amend it; and if I cannot amend it and cannot fix it, I will not support it. But I believe legislation that will be supported by a good many—perhaps including myself if it is the right kind of legislation—will be legislation that is a serious attempt to try to address the issue of increasing costs of health care.

We spend much more than anybody else in the world on health care. Yet we do not have the results. We rank, according to CIA data, which keeps information on all the countries, 50th in life expectancy. So we spend much more than anybody else in the world and rank 50th in life expectancy. Go figure. There is something wrong with that picture.

The other issue is, a lot of people do not have health insurance because the increased cost of health insurance is running out of people's ability to pay for it.

One other important point is most people who do have health insurance believe: Well, I am set. I am fully insured. In most cases, they are not. In most cases, they are one serious illness away from bankruptcy.

I met a woman in a community recently who is a quadriplegic. About 10 years ago, she had $600,000 in the bank. She lived in a home and had home equity. She had a job and insurance. Ten years later, it is all gone. She is a quadriplegic who has unbelievable needs. She suffered a very serious illness that continues. She has reached the cap on her insurance policy. She is one of those who is a demonstration of being one serious illness away from bankruptcy, even if you have insurance. This country is a better country than to decide that does not matter.

One-half of the bankruptcies in this country are bankruptcies as a result of health care costs. Every single Member of this Chamber goes around their State and discovers there is a benefit being held someplace for somebody who needs a new kidney or somebody who has some other medical difficulty, and they are doing some sort of fundraiser for the community to see. Can they raise enough money for this surgery so this person can get health care because that is the only way they can get this surgery? So they need donations from neighbors. We can do better than that. That is the reason there is an interest in trying to find some way to address this health care issue.

I want to mention one additional point, and that is last evening there was a vote on what is called commonly here the doctors fix. It deals with physician reimbursements. A reporter asked me, as I left last evening: Wasn't this some significant rejection of the health care piece? The answer was no. That vote last evening was not a harbinger of anything. The vote last evening was on the issue of fixing physician reimbursements, but it was done in a way that was not paid for, and a good many Members of the Senate felt that is not the way to do it.

We should—and will, in my judgment—fix this physician reimbursement issue. We must. We cannot have a circumstance where physicians are told: Oh, by the way, in 2 or 3 years from now, your reimbursements are going to drop off a cliff 25 or 35 percent and then we will see you decide not to treat Medicare patients. That will not work. So we have to fix this. But we are in the middle of a very deep hole with very significant budget deficits, the most significant recession since the Great Depression. In my judgment, we cannot just add $240 billion to the Federal budget deficit.

So we will, in my judgment, address legislation with the physician payment issue and fix that issue because we have to, but we have to do it the right way. That is all that vote was. That vote was not a harbinger about how health care reform might be dealt with today, tomorrow, or yesterday. It was just a vote on that issue with respect to the deficit, and a lot of Members of Congress decided, do you know what, let's come back and do it in a different way.

Let me make one final point. The majority leader of the Senate is working, along with many others, to try to combine the best of several pieces of legislation. It is not an easy job. But the fact is, he will bring a piece of legislation to the floor of the Senate. It will be wide open for amendment, and we will have a lot of the best ideas that come to the floor in the form of amendments about how to improve the bill. And that is exactly the way this process will work. I do not think we ought to get ahead of the process alleging this or that. Let's take a look at what this bill does and says and provides. Let's offer improvements where improvements can be made. We will have votes on all of those issues and see if we can do something good for the American people. The American people deserve that.

This has been a tough time with a very deep economic hole we have been going through. Part of the economic distress in this country is to try to decide at the end of the day, the month, or the year: How do I pay this unbelievable increase in my health insurance

cost because I know that and my kids and my family and I need to have health insurance? When you are losing your job and losing your home and losing hope in the middle of a great economic downturn, it is pretty troublesome to discover, do you know what, we probably cannot even insure our family against illness and disease.

We are a better country than that. We can do something here. I understand a lot of people would like to say they want to do something but in reality do not want to do anything. And it is always easier to criticize. It is always easier to take the negative side. But the question is: Can we come together with something positive that advances the interests of this country? I hope we can. And I believe we can if we are thoughtful and work together. So that will be my hope at the end of the day.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

IN RECOGNITION OF THE ARCS FOUNDATION SCHOLARSHIP AWARD WINNERS

Mr. KAUFMAN. Mr. President, I have spoken many times about the need for a renewed investment in scientific research and development. This includes science, technology, engineering, and mathematics—or, as we say, STEM—education.

As a former engineer, I also know how important it is that research and innovation is fostered through both public and private investments. Over the years, many wonderful private organizations have been formed to promote STEM education. One of the very best is the national Achievement Rewards for College Scientists—or ARCS—Foundation, which is an excellent example of the type of investment I believe our country needs to make.

ARCS was created in 1958 by a group of women in Los Angeles following the launch of Sputnik. Like many people at that time, the women saw a need to support American technological and scientific advancement, and they decided to create a scholarship program for students to pursue degrees in science, medicine, and engineering.

Today, the all-volunteer, all-women organization has grown to 14 chapters with a national membership of over 1,500. Thanks to the efforts of the dedicated women of the ARCS Foundation, nationally more than 13,000 scholarships have been awarded since the organization's inception.

All ARCS recipients are U.S. citizens who have superior academic records and proven abilities in scientific research and development. They are recommended and selected by the deans and departmental chairs at universities that have been approved by the ARCS Foundation.

This year, the local Metropolitan Washington Chapter of ARCS awarded 20 scholarships to Ph.D. candidates and two scholarships to undergraduates:

Ilana Goldberg, Monique Koppel, and Eric Patterson from Georgetown University.

Brenton Duffy, Anna Korovina, Yi Jin, Jessica Stolee, and Bennett Walker from the George Washington University.

Marcin Balicki, Stephanie Wilson Fraley, Eatai Roth, Bridget Wildt, and Bryan Benson from Johns Hopkins University.

Brendan Casey, Stefanie Sherrill, Nathan Siwak, Seth Thomas, and Natalie Salaets from the University of Maryland.

Theresa Bankston, Thomas Bliss, Ori Fox, and Rebecca Salomon from the University of Virginia.

Scholarships were funded through contributions from ARCS members, Washington-area corporations and foundations, and various fundraising events. One hundred percent of all funds went directly to the scholars who received $15,000 at the graduate level and $5,000 at the undergraduate level. This year, several Washington-area corporate and foundation sponsors provided funding for full scholarships, including Lockheed Martin, American Council on Technology/Industry Advisory Council, Booz Allen Hamilton, Bristol-Myers Squibb, General Dynamics, Mars Foundation, McNichols Foundation, and Raytheon.

None of these scholarships would be possible without the dedicated women of the Washington Metropolitan Chapter of ARCS. Betty Polutchko, the chapter's president, has worked tirelessly for the Foundation since she joined the local Washington chapter in 1992. Her leadership during her 2-year tenure has enabled the scholars to thrive.

I recently had the honor of meeting this incredible group of scholars and learning about the fascinating research they are conducting. These students are discovering new ways for delivering pharmaceuticals and other medical treatments, inventing processes to reduce carbon dioxide and other pollutants, engineering aerospace systems, creating microsurgical robots, and much, much more.

They are, without a doubt, the future of our Nation's leadership in science and technology, helping us to solve medical and environmental dilemmas and creating new products and systems that will continue to improve our lives and create new jobs.

Engineers and scientists have always been the world's problem solvers. They helped us to land on the moon during the space race, the period when ARCS was founded. The foundation saw the need to foster the scientific and engineering potential of our Nation then, and they continue to do so today.

The silver lining in today's financial crisis is the opportunity to shift our priorities in many positive ways. As America continues on its path toward economic recovery, we must inspire our students to address the extraordinary challenges facing our country and the world. What better way to encourage and promote this than through programs such as ARCS. I know that, when given the opportunity, a new generation of engineers and scientists will step up to meet these challenges. Indeed, they already are.

Congratulations to the 2009–2010 ARCS Metropolitan Washington scholarship recipients.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. UDALL of New Mexico. Would the Senator withdraw his request?

Mr. KAUFMAN. I withdraw my request and I yield the floor.

The PRESIDING OFFICER. The quorum call will be vitiated without objection.

The Senator from New Mexico is recognized.

HEALTH CARE REFORM

Mr. UDALL of New Mexico. Mr. President, first, I wish to say to the Presiding Officer, I know Senator SHERROD BROWN from Ohio and a number of us are going to be down here from the 6 to 7 o'clock period, and I am starting out here for the first 10 minutes before 6 to talk a little bit about health care reform and this whole issue that many of us have been addressing on the floor. We did this several weeks ago and we did it last week. What we are doing is talking about the whole issue of the public option and how important it is to have a public option.

The Presiding Officer from Rhode Island, Senator WHITEHOUSE, has been down here with us. He has pointed out, on a number of occasions, how important it is to have a public option. But I think one of the things I would like to do today is talk a little bit about what these insurance companies are doing and where they are coming from.

Insurance companies made a point of playing nice over the first couple months of this reform process, but they revealed their true colors earlier this month when they released a series of biased, misleading reports to scare people about the impact of reform. The truth is insurance companies aren't worried about how reform will impact consumers—far from it. What they are worried about is the impact of reform on their profits.

The insurance industry has shown where it stands when it comes to health care reform. In the process, they have given us yet another reminder of why we must have a robust public option included in the final legislation. A public option is one of the only ways still on the table to keep the insurance companies honest. It will allow us to restore competition back into the market and hold companies accountable for their abusive practices. If you need further proof that insurance companies are putting profits above people, let's look at this chart and look at some of the statistics and numbers here.

Over 7 years, publicly traded health insurance companies saw a 428-percent increase in profits—again, a 428-percent increase in profits. The 10 CEOs of those companies made $118 million in 2007. That is why 47 million Americans went without coverage. The premiums more than doubled over 9 years, three times faster than wage increases.

Going to chart No. 2, insurance companies are afraid of competition and want to protect their strangleholds in most State markets. Ninety-four percent of the commercial health insurance market is highly concentrated. In 21 States, 1 carrier dominates more than half the market. In 39 States, 2 carriers control more than half the market. This is the case in New Mexico, where 2 companies control 65 percent of the market.

What does this mean for individuals and families in New Mexico and across America? Nearly one in four Americans under the age of 65—some 64 million people—will spend more than 10 percent of their family income on health care in 2009. This means families often have to choose between paying health insurance premiums and putting food on the table. Outrageous health insurance premiums are a heavy burden for working families who already are dealing with tight budgets. This can often lead to significant medical debt, bankruptcy, and home foreclosure.

I wish to talk a little bit about some of the New Mexico families who have called me and written me and told incredible stories. I know the Presiding Officer, the good Senator from Rhode Island, Mr. WHITEHOUSE, has been down here talking about his stories in Rhode Island, and we have the Senator from Ohio here right now whom I spoke about earlier.

Mr. BROWN. Mr. President, if the Senator will yield for a moment.

Mr. UDALL of New Mexico. Let's ask unanimous consent to carry this on as a colloquy.

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

Mr. UDALL of New Mexico. Please, go ahead.

Mr. BROWN. I thank the Presiding Officer, Senator WHITEHOUSE.

I saw the Senator show that map, if we could put that map back up. The current chart shows the number of uninsured New Mexicans, and that is, of course, significant. But when we look at this map, we can look at any number of States where in some States—about a dozen States—two insurance companies have more than 75 percent of the market, some pretty good-sized States with some pretty decent populations, including Minnesota, Missouri. But no matter how many people live there, when you have two companies that have more than 75 percent of the market and you look at the next level of States, which includes yours, New Mexico; mine; as well as Rhode Island, where two companies have between 50 and 75 percent of the market, what does that mean in your mind in terms of what the public option will do? We were all taught in school, whether you were a business major or a French major, that if there was almost a monopoly, where two or three companies had most of the market, prices went up.

What does that mean with the public option and injecting competition into this whole market?

Mr. UDALL of New Mexico. I thank the Senator from Ohio. I know tonight he is leading this effort, this hour we now have on the floor, and I thank him for being down here and leading the effort and showing incredible leadership on the public option.

What I think it means is, when we talk about the lack of competition, this is a concentrated market, that they can basically do whatever they want and drive up the premiums and drive up these incredible profits.

I don't know if the Senator was on the floor when we showed this chart, but publicly traded insurance companies saw a 428-percent increase in profits over 7 years. So the lack of competition drives those profits. We are not against people making profits; it is just this is profit in terms of health care. So let's compare it.

To answer the Senator's question, one of the things that I think is important to compare is the high-tech industry. They have six, seven, eight companies all competing against each other, driving the prices down, lowering costs. What the public option does is exactly that: It drives the premiums—it puts competition into the market; it drives the costs down.

Mr. BROWN. When we have seen the increase in profits of these companies, the publicly traded health insurance companies—and I don't mind that they have an increase in profits if they aren't doing it by using preexisting conditions to deny care to people whom the Senator reads letters from, from Santa Fe and Albuquerque and Truth or Consequences and all over the Senator's State. I wouldn't mind if it was not on the backs of people whose insurance companies put caps on their coverage so that even though they didn't know it when they bought their insurance—they get very sick, spent a lot of money, and all of a sudden they lost their insurance.

Then you also see on the bottom there, the top 10 CEOs made $118 million in 2007. I remember talking the other night about the CEO of Aetna who, I believe, made $24 million; the CEOs of—do the math there: 10 CEOs, that is $11.8 million each. Obviously, the Aetna guy drives up the average a little, but they are all making $6, $8, $10, $12 million. I assume that what has happened in the last decade—and part of the reason for that huge increase is that there are fewer and fewer of these companies dominating the market. I assume—I am asking, I guess—10 years ago there was probably more competition in this market than there is now. So we are seeing the number of companies shrink, their market share increase, and that is an even stronger case for the public option.

I guess the even stronger case for the public option is, frankly, how much the insurance companies hate it. There is nothing they are opposing more strongly in this bill than the public option. As unhappy as insurance companies are with any change—because they love the system the way it works now. They love having preexisting condition denials, they love their caps, they love to be able to discriminate. Their whole business model, it seems to me, is to keep people who are sick from getting insurance and then hire a whole bunch of bureaucrats to try to spend time on the phone denying care, denying reimbursements or denying claims for people who get sick who are their customers.

So what does public option do for all of that?

Mr. UDALL of New Mexico. Well, Senator BROWN makes a very good point. I think, first of all, when you have a public option, it is a nonprofit that is dedicated entirely to health care, and you are not going to see these outrageous kinds of CEO salaries. The purpose of a public option nonprofit is to put moneys that come in above the goal of providing health care back into the overall system. So what we are talking about is dedicating ourselves on that basis to providing the very best quality care.

So if you take out the profits and you take out these salaries, you are going to have a very competitive—

Mr. BROWN. You are taking out another big group of people. You are taking out two groups. You are taking out marketers and the money they spend trying to get people to buy their insurance and making sure they exclude those who are sick. That takes some skill, it takes some computer programming, it takes some aggressive salespeople, discriminating aggressive salespeople. Then you have the bureaucrats——

Mr. UDALL of New Mexico. As the Senator pointed out, it happens at two points in the process, right?

Mr. BROWN. Then you have the bureaucrats denying coverage on the other end. The public option will not spend a lot of money marketing and will not have people denying care, right?

Mr. UDALL of New Mexico. Absolutely. Those two things occurring drive up the costs, so the comparison—let me make this one more point.

The comparison on administrative costs—let's look at a government-run program such as Medicare that has 3 percent administrative costs. Then we go over to the insurance industry, and we are talking 30 percent. It is those people in the process who are denying the claims and all of that activity.

Mr. BROWN. So it is the CEO salaries, the profits, the marketers, and it is the bureaucrats denying your claims

when you thought you had good insurance. They say about 30 percent of claims are initially denied.

I have read a lot of these constituent letters. So many of these letters come from people who are sick and thought they had good insurance, who then ended up getting very sick or having a new child who had a preexisting condition, and they ended up fighting the insurance company, and they were already suffering from an illness. Think about the stress one must already have from having breast cancer or from having a sick child, and then they have to spend time on the phone fighting with insurance companies or bureaucrats who are saying no, no, no.

Instead, with the public option, they will not have those bureaucrats to fight, correct?

Mr. UDALL of New Mexico. Correct. Would Senator WHITEHOUSE like to speak?

Mr. WHITEHOUSE. I am delighted to join the discussion. One other point merits mention about a public option. The current business model for health care in America is not a good one. The insurance companies try to—if you are not healthy—make sure you never get insurance in the first place. If they give you insurance and then you get sick, they will look for loopholes and try to throw you out. Then they will try to control the way you get treated by your doctors. So your doctors have to spend as much as half of their time on the phone trying to fight and get you the treatment they know is right for you, but they have to clear it with the insurance company, which has a vested interest in taking as long as it can and causing as much trouble as it possibly can because some doctors and patients will just give up.

On the other side, in terms of the quality of care, with all that stuff going on, we have a country in which the quality of care is far below our competitors by innumerable measures. Part of it has to do with the way the system works.

We had an intensive care unit reform that we fought through in Rhode Island that was modeled on the keystone project in Michigan. In Michigan, they went into intensive care units and said: We are going to eliminate hospital-acquired infections, get rid of those. In 15 months, they saved 1,500 lives, $150 million, and 81,000 days that patients would have spent in the hospital with those infections, but they didn't have to because they got out without them. They invested in that.

That is the kind of thing a public option can invest in because it will be around, it is not profit motivated, and it wants to do the right thing for people.

Mr. BROWN. How does that work? In the Michigan hospital, they used a checklist and all this to try to cut down on infections. How does public option interface with the hospital to try to get them to do that?

Mr. WHITEHOUSE. It will be willing to take the long view and say: You know what. This is the right thing to do.

Mr. BROWN. Invest the money now, and the insurance companies will not do that.

Mr. WHITEHOUSE. Insurance companies have had a long time to do this, but they have not done it. If you want to believe that by passage of this legislation, all of their motivation and their business model, the way they work, is going to spontaneously change, and they will start doing things they have never done before, is one thing to believe. I think prudence and experience and a practical and serious appreciation of how urgent our situation is all counsel against believing a sudden epiphany happening in the halls of the big insurance companies and, instead, put a new entity on the field, which would be easier to start up and bring a new business model in with it. It is not going to have all that tradition and history. You know, you get in a rut. The only way to change the business model in health care is to have a new entrance—a public entrance and a nonprofit entrance and one that has a dispersed interest in the health of the American people rather than the wealth of the insurance company shareholders.

Would the Senator from Oregon like to jump in?

Mr. MERKLEY. Mr. President, I am happy to jump in. Last weekend, I was over in central Oregon—in Bend—and I was reading local clips. One of the articles that came across was about a lawsuit that had been filed. The article said that a year before an individual had passed away because they had repeatedly asked for an MRI to address a pain he had in his back. It turned out to be a tumor, and it killed the individual. But they could never get the MRI approved. The doctor requested it, but it wasn't approved. Another doctor requested it—a consulting doctor—and it wasn't approved. Eventually, the tumor was beyond the point of being able to be operated on. The individual passed away.

That article talked about a second parallel situation that is unfolding right now. The individual is still alive but also is seeking an MRI and is being turned down by the same company. I thought, that is how an insurance company makes those profits—by turning down requests for coverage. Hopefully, it doesn't come to the point that a diagnostic exam is denied to the degree that someone is going to die, but it happens. It happened in this particular case.

The motivating factor of the management of the company was to maximize profit, not to maximize healing. The Senator from Rhode Island served as insurance commissioner. I am sure he saw examples of this. If I heard him right, he is saying that in a public option the motivation is healing, not profit, and therefore has a long-term perspective. Therefore, it can invest in prevention, in disease management. A private company will not assume that its customer, the policyholder, will still be a customer in 10, 15 years. They take a short-term perspective. That is to minimize the amount you spend on health care. But the longer term perspective would be much better for the quality of life of our citizens, and certainly investment in prevention and disease management might have tremendous rewards in bending the cost curve.

Mr. WHITEHOUSE. That is precisely accurate. If you are a for-profit insurance company and your motivation is to make money, and if you assume your customers are going to stay with you—how long does somebody stay with a company before they change jobs or move to a different State? Five to ten years? You put down 100 cents on the dollar of a prevention strategy or a wellness strategy and help that individual, and if it is an illness, it is going to show up 8, 9, or 10 years later and you haven't saved yourself any money. You have done the right thing for the customer but haven't saved yourself any money. So you have a huge built-in bias to underinvest in wellness and prevention.

Sure enough, we are a country that underinvests dramatically in wellness and prevention. It is impossible not to connect the dots and see that the reason we are so underinvested in wellness and prevention has to do with the motivation of the for-profit insurance sector.

(Mr. UDALL of New Mexico assumed the chair.)

Mr. KAUFMAN. Mr. President, one of the things that concerns me about this is we hear about the fact that we should not have a public option because it is the government doing this and that. When I was in business school, I learned that the beauty of the private sector is competition. If you don't have competition, you will not get the advantage in the private sector. I don't care how you structure things. I want to read off some States.

The problem is, in so many States we have no competition. The only way we are going to get competition is through some kind of a public option.

In Hawaii, 98 percent are with two insurers. In Rhode Island, it is 95 percent. In Alaska, it is 95 percent. Vermont, it is 90 percent. Alabama, it is 88 percent. In Maine, it is 88 percent. In Montana, it is 85 percent. In Wyoming, it is 85. You can go down the list to Florida, which is No. 42, and 45 percent of all the health care is with two firms. The next one is No. 43, California, and it is 44 percent.

You cannot get the advantage of free enterprise if you do not have the competition. What this is about—the whole reason to have a public option and the only way you are going to bend the cost curve and get this turned around is to have competition. In most of the States, you are not going to have competition if you don't have the public option. So the public option is turned on its head.

When I hear people on the Senate floor and on television talk about government, government, the one thing government by itself cannot provide is competition. In some cases, it is the only way we can provide competition.

Mr. WHITEHOUSE. It is a little ironic to have the insurance industry complaining about government entering into the role as a competitor to the insurance industry, which is the best possible way government could enter into this equation, when, for years, they have fought for and protected a government role in the health insurance industry, which is to protect them, the insurance industry, from the antitrust laws. Government has been involved in health insurance for a long time in the worst possible way—protecting these insurance companies from being subject to antitrust laws, like every other business in America except, I guess, Major League Baseball.

Mr. KAUFMAN. It is hard to believe when you hear it on the floor—and how do they get the ads straight? First, they say government cannot do anything right. The next ad says we cannot just have government because government is going to take away our business. Either government is efficient and organized or it is not.

So what you begin to see is that there isn't much continuity to the arguments against a public option. They bring out the same old arguments we heard in 1994 about the public option—and then the public option was not like what we talked about before. First, it is an option. People don't have to do it if they don't want to.

It is inconceivable to me—and we have debated this for a long time—I am trying to see the first indication of how we have competition in these States where the overwhelming amount of business is just in two firms. Nobody has come to me and said: How are you going to have competition? I believe in competition.

Mr. WHITEHOUSE. Particularly when those two firms aren't subject to the antitrust laws, they are able to price-fix and do things like that. For them to complain about competition after having used government to wall themselves off from the basic law that protects competition, you kind of have to believe the irony department is open late at night at insurance companies.

Mr. BROWN. We know what they say about why they are against the public option. We know what conservatives—many of whom have been close allies of the insurance industry in their campaigns for years—we know what they say: government take-over. The government cannot do anything right, and the government will run them out of business.

We know the real reason the insurance industry is fighting this: they have has a 428-percent increase in their profits. As they get bigger and bigger and squeeze smaller insurance companies out, they know the public option will mean no more huge profits.

We know the insurance industry will continue to make profits because they are smart and sometimes they are well run. They have been around a long time. They are going to have marketplace advantages. We know CEOs of the 10 largest companies made an average of $11 million. That means a lot of vice presidents are making $3 million, $4 million, $5 million, and $6 million. They like that gravy train. Of course, the people making the decisions at the insurance companies, doing the lobbying, hiring the lobbyists, and hiring the PR firms, and making decisions to run television ads, these are all people who want this to continue.

There was an article in the Time Magazine that came out today that every Member in Congress in both Houses has an average of 2.3 industry lobbies—that may just be the drug companies or insurance companies together. There are hundreds of lobbyists around here to protect health insurance profits and to make sure the top executives are making $6 million, $8 million—up to Aetna's CEO, who makes $24 million a year.

They have a lot at stake in this. But you know what, we have a lot more at stake. What we have at stake is we have people—we can read letters when we come to the floor. A lot of us day after day read letters from people who have preexisting conditions and have lost insurance or a 24-year-old who just graduated from college or just came back from the military and cannot get insurance because they had asthma, as my wife does, when they were 12 years old and cannot get insurance or their mother got really sick and the insurance practice called, I say to Senator WHITEHOUSE, rescission—that is a fancy word—we are dumping you off the insurance because you cost us too much money.

It goes back to what you were saying. The business model is, we do not want to insure sick people or people who might get sick, and if we do insure them, we want to find ways not to honor their claims, not to pay their claims. The industry will fight like a dog, in many cases, to keep from paying those claims. It is a dysfunctional model in business. It is bad for our society. It is really only correctable by a public option, injecting that competition and keeping those companies honest.

Mr. WHITEHOUSE. One of the ironies in all this is that whole scheme of the insurance companies is actually increasing the cost of American health care. I think from 2000 to 2006 the administrative costs of insurance companies went up over 100 percent. So they are loading on more and more people whose purpose is to do just what you said, which is to interfere with the doctors, to require more and more prior approvals before you can get treatment, to do more and more claims denial—all of that. And then not only does that add costs to the health care system within the insurance company, but then the doctors have to fight back.

In Rhode Island, I go all around to doctors and medical practices and community health centers. The standard number that I hear is that 50 percent of the personnel of a doctor's office or a community health center is not dedicated to providing health care but dedicated to having to fight back against the insurance industry.

I visited the Cranston Community Health Center a few months ago, and they said that more than 50 percent of their personnel is devoted not to the health care function but to the ''fighting with the insurance company'' function. Plus they have to spend $300,000 a year that could go to health care for consultants and computer programmers who help them fight with the insurance companies. It is not just half the personnel, it is also a $300,000 consulting expense.

You put the two together, and it is a huge cost and a great opportunity for a public option to cut through all of that, to knock off the administrative expense on their side, costs on the doctors' side, and bring costs down.

(Mr. KAUFMAN assumed the chair.)

Mr. BROWN. They use the term ''medical loss ratio.'' They want to keep the medical loss ratio as low as possible. The medical loss ratio is often 75 percent. That means that 75 cents on the dollar goes to actual health care, doctors, hospitals, physical therapists. The other 25 percent is insurance company overhead. They call every dollar they spend on health care a loss. That is the way they think. That is the insurance company model. So if the medical cost ratio goes up to 85 percent—in other words, they spent 85 percent on medical care—they don't like that. They want the medical cost ratio to stay low because the rest is marketing, profits, and insurance company salaries. It is a curious turn of a phrase. I think they are phasing that term out because I think they know ''medical loss ratio'' does not sound good to them.

Mr. UDALL of New Mexico. Something Senator WHITEHOUSE mentioned earlier that should be driven home very strongly is the antitrust part of this. I am not sure people out there know what we are talking about when we say these large insurance companies that are making all these profits are exempt from the antitrust laws. We know. We were attorneys general. We had to get into antitrust cases as attorneys general.

What it means is that the antitrust laws say: As you get bigger and you get a more concentrated market, the government can weigh in and say the market is too concentrated; there is not enough competition. What we have done with these insurance companies is we have said: Oh, no, no, we are not going to use the antitrust laws; we are going to exempt you from the antitrust

laws. That is something I think the average citizen does not realize. It applies in most of the rest of the economy to encourage competition, but it isn't here. I know Senator BROWN and Senator MERKLEY also understand this point. This is a very important point.

Mr. WHITEHOUSE. There is an alarm bell. An alarm rings when a market is something called heavily concentrated. The Department of Justice has standards for when a market is heavily concentrated. When a market is heavily concentrated, that means they look particularly closely for anticompetitive conduct. Of course, they don't look at the insurance industry because they are exempted from the antitrust laws. But 94 percent of the major metropolitan areas in America—nearly everyplace—is heavily concentrated. It is in that uncompetitive danger zone.

The public option is not only a useful alternative, but we are dealing with a market where competition is in a very poor state. So it is not as if you are adding an extra competitive element to an already competitive market. You are adding an extra competitive market to a market that is almost virtually certain to be heavily concentrated and to show none of the signs of healthy competition that one looks for in a healthy marketplace.

Mr. MERKLEY. So not only do we have little competition because there are many markets with only a couple of companies providing services, but because of the antitrust provisions, those companies are allowed to talk to each other, to collaborate on what rates they charge or what deals they make with providers, further reducing competition, even when there are a couple companies in the market.

If we take and flip this notion of competition and look at it through the eyes of the individual working American, then what it becomes is choice. Lack of competition in the marketplace equals lack of choice for individual Americans.

I read this story in the press last weekend in central Oregon about this fellow who could not get an MRI. He had probably very few choices about what insurance company he could go to. Would it not be great if he would have the ability during an open window each year to be able to say: I am not satisfied with the service I am receiving or I am not satisfied with the premium I am being charged, and I want to change to a different company or a different provider to see if they do a better job. That is the heart of the American capitalist system if there is competition and, therefore, choice for the individual. These two things go hand in hand.

When folks say that what will happen with a public option is that it will reduce choice, I must say, what are they thinking, because we don't have choice now. But if you bring in a community health option or a public option, then you do have real choice as a citizen. You can march with your feet. You can sign up for this program or this program or this program.

We have competition between governmental opportunities and nongovernmental in other areas. I don't think I would like to say to the citizens in the State of Oregon: You no longer have a choice of mailing a letter with the post office. Everything you do regarding the mail has to be through a private company. I don't think I would like to say to the citizens of Oregon: You no longer have the choice of sending your kids to public school. You have to choose between solely private options.

It is a positive thing to have competition, and having a strong, robust public option is going to create a real opportunity for our citizens to choose and, in so doing, create this competition, improve service, and lower costs. If we don't lower costs, then we truly have not succeeded in health care reform.

Mr. WHITEHOUSE. Think how many Americans from Oregon or from Ohio or from Rhode Island or from Delaware, the Presiding Officer's home State, have been able to achieve their dreams because they were able to go to a public university in their home State as opposed to private colleges. I have nothing against private colleges and universities. I went to one. I think they are wonderful. But I am very proud of the University of Rhode Island, and for many Rhode Islanders and many people who come to Rhode Island to go to URI, that is a great opportunity for them. The notion that it should not be there because it is government run and government supported and, therefore, makes Brown University noncompetitive is just crazy. The facts belie it.

If you look even closer—I know the Senator from Oregon has talked before about the workers' compensation example—half of the States in the country have public options that operate in an insurance market and provide workers' compensation. Indeed, some of the strongest advocates against a public option in health insurance on the other side of the aisle have workers' compensation public plans in their home States.

Mr. BROWN. If I may ask a question, I remember the Senator from Rhode Island mentioned some very prominent members of our Health, Education, Labor, and Pensions Committee, on which all three of us sit, that they were some of the strongest critics of the public option, but their States, if I recall, have, in some cases, a single-payer plan.

Mr. WHITEHOUSE. The Republican leader, Senator MCCONNELL, has a public option in his home State of Kentucky that provides workers' compensation insurance in competition with private insurers. It has been doing it for years. It has a significant market share. I don't recall that he has ever criticized that plan. I think it seems to be helpful.

Mr. BROWN. It probably makes them both work better, public option and private work better.

Mr. WHITEHOUSE. In Arizona, our wonderful colleague, Senator MCCAIN, with whom I am very proud to serve, is also very antagonistic toward the notion of a public option. But in Arizona, if I recall correctly, their public option has been in the workers' compensation market for 80 years.

So the notion that when you have a public option it is going to creep, crawl, and take over and force out competition is proven wrong by the actual facts and history of some of the States of Senators who are here making that very argument.

Mr. BROWN. Didn't you mention the other night the State of Wyoming, which is represented by the ranking Republican on the Health, Education, Labor, and Pensions Committee—before I ask about Senator ENZI and that committee, one of the things I think is important to remember when I hear people say this is a partisan effort, we all remember in our committee we did 11 days—there was no hurry on this—11 days of markup, longer than almost any of us can remember in terms of that much time in committee, debating and vetting. We adopted 161 Republican amendments. I voted for almost all of them. I know Senator WHITEHOUSE and Senator MERKLEY did most of them, too, and there are some fundamental questions on which we have ideological differences. We made a better bill as a result. But Senator ENZI's State has a public option or only a public plan? I cannot remember.

Mr. WHITEHOUSE. In Wyoming, the workers' compensation system is run entirely by the government. It is a single-payer public plan. As far as I can tell, all of the business community in Wyoming is perfectly comfortable with that plan.

One of the concerns people raise about a public plan is that it will give terrible public service, terrible customer service. It has been described as if you take the IRS and a department of motor vehicles and put them together, that is the kind of customer service you will get from a public plan. I doubt very much that the public plan in Wyoming, which is a single-payer, government public plan, gives that kind of terrible public service because if it did, I would expect the Wyoming business community to be up in arms about the way they are being treated by their only choice of workers' compensation insurer. Judging from the track record, it seems they are pretty satisfied with it.

I think when you actually go out into the field and look at examples of competition, whether it is the Postal Service, higher education, or these public plans that do workers' compensation in half of our States, we find that a lot of the concerns the people have raised, a lot of the fears that seem to animate this debate actually, in reality, appear not to prove out.

Mr. BROWN. I would add from what Senator WHITEHOUSE said that you can look another place and you can see how in very quantitative and very specific, giving example comparisons that Medicare versus private insurance—we know the cost of bureaucracy, the cost of marketing, the cost of future profits, and the cost of high executive salaries. Private insurance means they have a 15-percent absolute minimum, more than 20, 25, sometimes 30 percent administrative costs. Medicare has somewhere around 3 percent overhead, administrative costs. Medicare is a public plan. The private insurance companies really don't compete very well with Medicare in terms of measuring them for administrative costs.

Whether you look at workers' comp plans when there is a public option or you look at workers' comp plans in Wyoming where it is single-payer or you look at Medicare, you can see that this argument they make that the government can't do anything right is pretty wrongheaded, especially when they are afraid that government does things so efficiently, it is going to run them out of business.

We know public plans can coexist, side by side, with private plans and make the private plans a lot better. I argue the private plans will make the public plans perhaps more flexible too. It will help both.

Mr. WHITEHOUSE. That is what competition is all about.

Mr. BROWN. That is what competition is all about.

Mr. WHITEHOUSE. I have to depart, and I yield the floor to the distinguished Senator from Ohio. But before I go, I want to express my appreciation to him for convening us and for his energetic and constant advocacy on this subject. I think he has been a wonderful leader of our caucus, and I wish I could stay longer, but I have a plane awaiting me.

So I yield to the Senator from Ohio.

Mr. BROWN. I thank Senator WHITEHOUSE, and I will wrap up too. I think this discussion is much better than a speech, frankly, from any one of us. I appreciate the contribution of the Presiding Officer, Mr. KAUFMAN, the Senator from Delaware, to this discussion, more than debate, as well as Senator MERKLEY, who was with us, and Senator UDALL of New Mexico.

As I close, let me run through a couple of these posters reflecting the monopoly that has caused so much hardship for so many people in State after State after State. In my State, two insurance companies have a huge part of the market. In parts of southwest Ohio—the Cincinnati and Dayton areas—two insurance companies have about 80 percent of the market. In Senator UDALL's State, it is very high. In some States it is even higher.

When you have that lack of competition in States, you can see what it brings to us after that. It brings huge profits. Having so little competition, it means these insurance companies get larger and larger and push out smaller insurance companies and we end up with two or three companies. Without competing much with each other, what do you end up with? You end up with a 428-percent increase in profits over 7 years. You end up with the 10 top industry CEOs making $118 million, headed by Aetna's CEO making $24 million last year. So what happens? Forty-seven million Americans don't have insurance. Insurance premiums more than doubled in 9 years. If we do nothing—as many on the other side suggest, and certainly the insurance companies would like that—we will see insurance premiums double again in the next 7 or 8 years, putting such a burden on small businesses and making our big companies less and less competitive internationally. We all know what that means in terms of jobs for our people, especially in manufacturing.

Again, what fuels all this? What fuels all this and all these dollars they are making is the insurance company business model. The insurance company business model is to deny care—to deny insurance, to start with—by using very sophisticated sales practices to keep people from even buying insurance if they are sick, if they have a preexisting condition that might be expensive. That is part of the business plan. The other end of the business plan is to deny care as often as they can for people who have insurance.

So we know what we need to do. We know a public option will make a huge difference in keeping the insurance industry honest. A public option will make a huge difference in providing competition. And a public option will make a huge difference in keeping prices down. That is why we are here tonight. That is why I appreciate the work of Senators KAUFMAN, UDALL, MERKLEY, and WHITEHOUSE, and why I believe come December, when this work is completed on this health insurance bill—which, frankly, our government has been working on for 75 years, since Franklin Roosevelt tried it—we are going to finish with a good strong plan, with a robust public option that will make a huge difference in people's lives.

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

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HONORING OUR ARMED FORCES

SSG MATTHEW KUGLICS

Mr. BROWN. Mr. President, I rise today to honor SSG Matthew Joseph Kuglics, U.S. Air Force, who lost his life in service to our Nation.

Matthew's call to serve our Nation came immediately after his graduation in 2000 from Green High School in Green, OH, not far from Akron. That was when he enlisted in the U.S. Air Force.

In June of 2004, Matthew achieved the distinction of becoming a special agent with the Air Force Office of Special Investigations.

Sergeant Kuglics then volunteered to deploy to Iraq. There, he served with distinction by providing counterintelligence support to nearly 4,000 coalition forces at Kirkuk Regional Air Base in Iraq. Following his first tour in Iraq, Matthew volunteered for a second deployment in the combat zone.

On June 5, 2007, while in a convoy, Matthew was killed by an improvised explosive device. He gave his life for our Nation. He was 25 years old.

Throughout two tours in Iraq, Sergeant Kuglics executed the mission of identifying and neutralizing criminal, terrorist, and intelligence threats to the Air Force, to the Department of Defense, and to the United States of America. His service resulted in successful military operations and the increased safety of his fellow servicemembers. Sergeant Kuglics was posthumously awarded the Bronze Star, the Purple Heart, the Air Force Commendation Medal, and the Air Force Combat Action Ribbon.

On Friday, October 23, 2009—tomorrow—at 11 a.m., there will be a street dedication ceremony at Barnes Memorial Park at Wright Patterson Air Force Base in Dayton, OH, to honor the life and service of Matthew Joseph Kuglics.

Future generations of the Air Force will now forever honor Staff Sergeant Kuglics. He represents the best of Ohio, the best of the U.S. Air Force, the best of the United States of America.

INCREASING LOAN LIMITS

Ms. LANDRIEU. Mr. President, since Congress passed and the President signed the American Recovery and Reinvestment Act in February, more than 33,000 loans—nearly $13 billion—have gotten into the hands of entrepreneurs, helping to give more small businesses the capital they need to stock their shelves and pay their employees while creating or saving 325,000 jobs at a critical time. But as President Obama said yesterday, we must do everything in our power to help our nation's innovators and job creators to ensure their success and our nation's economy and future competitiveness.

Ensuring that small businesses have greater access to capital is the first, and perhaps most critical, step. In hearings, roundtables and other meetings with small business owners and lenders, I have heard time and time again that the current small business loan limits do not adequately meet their needs. To answer their urgent call for help, I am here today to introduce S. 1832, The Small Business Access to Capital Act of 2009. Senate

Small Business Committee and Entrepreneurship members Senators JOHN KERRY of Massachusetts, TOM HARKIN of Iowa, BEN CARDIN of Maryland and JEANNE SHAHEEN of New Hampshire, along with Senators BARBARA BOXER of California and BOB CASEY of Pennsylvania, have joined me as cosponsors of this bill.

The Small Business Access to Capital Act of 2009 contains several of the initiatives President Obama highlighted in his speech yesterday, including raising the limits on SBA loans to as high as $5.5 million. Coupled with lower-cost capital available to community lenders, these higher loan limits will further spur small business growth and aid in our nation's continued economic recovery.

I have made increasing access to capital for small businesses a top priority within my Committee since the day I became Chair, leading my first Committee event on this topic in January. Since that first roundtable, Senator SNOWE and I helped pass the Recovery Act's small business provisions that eliminated SBA loan fees for borrowers to make capital more affordable, increased the loan guarantees on SBA's largest loan program to reduce risk for banks and encourage them to lend when the economy was at its worst, and created initiatives to help unfreeze the secondary market for SBA loans so that banks would have more capital to lend small businesses. These provisions, as I mentioned earlier, helped some 33,000 businesses receive $13 billion in capital, saving or creating 325,000 jobs.

I have also held four additional hearings and roundtables focused on increasing access to capital for entrepreneurs. Most recently, an oversight hearing on October 6 focused on what in the Recovery Act has been implemented and what additional steps Congress needs to take. Increasing loan limits was a main focus.

In addition to making greater access to capital a top priority since and prior to my becoming Chair, I have specifically supported increasing the loan limits for the past two Congresses, voting favorably for this increase in the last two SBA reauthorization bills out of the Senate Small Business Committee. My bill goes above and beyond these increases because in this recession small business needs are greater than ever before, and the programs have not been updated in many years.

The bill I am introducing today increases the maximum 7(a) loan from $2 million to $5 million, increases the maximum 504 loan from $1.5 million to $5.5 million, and the maximum microloan from $35,000 to $50,000. These are all provisions that have been championed by my colleague and Ranking Member, Olympia Snowe, in S.1615, the Next Steps for Main Street Act. Additionally, the bill includes a provision to allow businesses to use 504 loan guarantees to refinance existing business debt and allows microloan intermediaries to have greater access to technical assistance grants. The bill also increases the amount that a New Market Venture Capital Company can invest in any one company, helping fast-growing businesses located in areas with chronic underemployment.

The Recovery Act included a controversial provision that exempts the National Institutes of Science (NIH) from participating in the Small Business Innovation Research (SBIR) and the Small Business Technology Transfer (STTR) programs. This provision could cost small businesses as much as $230 million in lost r&d work, impacting the development of needed military and medical technologies and therapies. In addition, it directly counters the goals of the Recovery Act to create high-paying jobs, spur innovation and boost America's competitiveness. This bill contains a provision to correct this unfair exemption by requiring NIH to obligate $150 million of the Recovery funds it received to be used for SBIR and STTR projects.

Last, the bill amends the America's Recovery Capital (ARC) loan program, enacted as part of the Recovery Act, so that businesses with existing SBA 7(a) loans can access this financing. The temporary ARC program offers interest-free loans to viable small businesses, which carry a 100-percent guaranty from the SBA to the lender and require no fees paid to SBA. Loan proceeds are provided over a six-month period and repayment of the ARC loan principal is deferred for 12 months after the last disbursement of the proceeds. Repayment can extend up to five years.

With small businesses making up the largest source of employment in this country, and the national unemployment rate still too high, changes like these are vital to the success of our small businesses and the competitiveness of our nation. I look forward to working with President Obama and his Administration, Ranking Member SNOWE and my Senate and House colleagues to quickly pass this critical legislation and send to the President for signature.

RECOGNIZING CAMDEN AEROJET WORKERS

Mrs. LINCOLN. Mr. President, today I am joined with my colleague, Senator PRYOR, to recognize the Aerojet-General Corporation's Camden, AR, production facility. The Camden facility recently achieved the milestone shipment of its 5,000th MK 104 dual thrust rocket motor to Raytheon Missile Systems and the U.S. 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 Camden, AR, on Wednesday, October 28, 2009.

The MK 104 dual thrust rocket motor provides the main propulsion for the standard missile 2 (SM–2), the U.S. Navy's primary surface-to-air air defense weapon. SM–2 is an integral part of the AEGIS weapon system aboard Ticonderoga-class cruisers and Arleigh Burke-class destroyers. The MK 104 dual thrust rocket motor also is the second stage propulsion for the Navy's newest defensive weapon, the standard missile 6 extended range active missile, SM–6, which will provide extended range anti-air warfare capability over both sea and land. The MK 104 also is utilized on the standard missile 3, SM–3, for aegis ballistic missile defense, BMD, from the sea missions.

Aerojet has manufactured the MK 104 dual thrust rocket motor since 1987 at its Camden facility. The Standard Missile family of products, which also includes the MK 72 booster and MK 125 warhead, are noteworthy elements of Aerojet's industry-leading tactical propulsion portfolio produced in Camden.

On the occasion of this milestone, Senator PRYOR and I are proud to join together and lend our voices to congratulate and honor the nearly 600 Aerojet workers in Camden, AR, on a job well-done. You have served our State and our Nation admirably for more than 20 years.

TRIBUTE TO CLARA KIRCHER

Mr. LEAHY. Mr. President, I have been privileged to meet so many people in my 35 years in the Senate. One who will always stand out is Clara Kircher, who stayed with me in my office for over a quarter of a century, leaving as deputy chief of staff when she retired.

She is a remarkable woman who, on her own, raised her family, giving them the best example of a strong, talented, and loving woman. She did the same in my office, mentoring so many, and showing by example that she could keep a 50- to 60-hour week and still go back to college.

Marcelle and I consider her one of our dearest friends, and we were privileged to be with her when she was inducted into the hall of fame at Elizabeth Seton High School in Bladensburg, MD. I ask unanimous consent that the statement they made about her at that induction be printed in the RECORD as an example to everybody in the Senate family.

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

ELIZABETH SETON HIGH SCHOOL HALL OF FAME INDUCTION

Clara Smiley Kircher was born on May 3, 1945 in Washington, D.C., the daughter of Ann and Golden Smiley. She grew up in Mt. Rainier, MD, and attended Saint James Elementary School. She was accepted into the first freshman class at Elizabeth Seton High School in 1959 and graduated from Seton in June 1963. At Seton, she was a member of the Glee Club, Masque and Gavel, basketball team, Future Nurses Club, Student Council, Louise de Marilacs and Honor Society. She attended Saint Joseph's College in Emmitsburg, Maryland, where she majored in business, from 1963–1965. She married Walter Kircher from Riverdale, Maryland, at Saint

James Church in April 1965. Her Maid of Honor was Monica Kircher Brady, her best friend at Seton since their sophomore year. Clara and Walter had five children—Anne, Walter, Eric, Anthony and Aaron. Their marriage ended in 1978, and Clara had to raise their five children as a single parent.

Clara went to work in the office of U.S. Senator Patrick Leahy (D–VT) in October 1981. She served as the assistant to the Chief of Staff and the Press Secretary. After twenty-six years in the Senate, she retired in October 2007 as Deputy Chief of Staff to Senator Leahy. While working for Senator Leahy, she returned to college to complete her degree. In May 1996, she graduated summa cum laude from Bowie State University with a Bachelor of Science Degree in Public Administration. As Deputy Chief of Staff to Senator Leahy, Clara helped establish the Leahy Women's Economic Opportunity Conference which is now in its 13th year. The Leahy Women's Conference focuses on the career and business development of Vermont women and is open to all women free of charge. Women learn the skills of running their own business, writing a financial plan, and sharpening their computer and personal skills for a new job or career change. She was the intern coordinator for the Leahy College Internship Program, which offers young women and men the opportunity for a close-up view of their government and the workings of a Senator's office. Clara also served as the Chief Financial Clerk for the Senate Judiciary Committee where she helped with the administration of the Committee and prepared committee budgets for Chairman Leahy.

In November 2008, she temporarily returned to the U.S. Senate to help start up the office of the newly-elected Senator Mark Warner (D–VA). In March 2009, she went back to her retirement life and is now enjoying time with her children and eleven grandchildren. Two of her granddaughters have followed their Grandmother's footsteps in attending Seton. Clara Bannigan graduated in May 2009, and is a freshman at Christopher Newport University studying music; and Alice Bannigan is a sophomore this year.

Clara and her family live in Bowie, Maryland, since 1971 and are members of St. Pius X Church. Clara is an active member of the Seton Alumna and is proud to be a member of the first graduating class of Elizabeth Seton High School, the Class of 1963.

ADDITIONAL STATEMENTS

TRIBUTE TO BETTY TAYMOR

• Mr. KIRK. Mr. President, I welcome this opportunity to bring to the attention of my colleagues in the Senate that today is the 40th anniversary of the founding of the Center for Women in Politics and Public Policy at the John W. McCormack Graduate School of Policy Studies at the University of Massachusetts Boston.

I especially want to recognize the leadership of Betty Taymor, the remarkable founder of this program.

Because of Betty, more than 700 women have been educated in the programs of the center. It is incredibly admired today on the local, State, and national levels, and it is an honor for us to join in congratulating Betty for her unique achievement.

My colleagues and I in our State delegation in Congress have sent a letter to Betty congratulating her on this impressive milestone of public service in the Commonwealth of Massachusetts and our Nation. I look forward to the center's continuing leadership and achievements in the years ahead and I ask that our letter be printed in the RECORD. The information follows:

Ms. Betty Taymor,
Center for Women in Politics and Public Policy, McCormack Graduate School of Policy Studies, University of Massachusetts—Boston, 100 Morrissey Boulevard, Boston, MA.

DEAR MS. TAYMOR: We, the members of the Massachusetts delegation in the United States Congress join in tribute as your friends and colleagues gather to celebrate your extraordinary achievements. You have indeed run against many prevailing winds, and been energized, not subdued, by the challenges you've faced.

We recommend your inspiring book, Running against the Wind, to anyone who seeks to understand the progress made by American women in the second half of the last century.

You entered public service as a volunteer, an honorable role shared by many idealistic women throughout our history and were crucial to the abolition of slavery and the emancipation of women. During the Second World War, you joined with others on the home front in the important work of the Red Cross. In time, you sought and won positions of greater responsibility and authority, in Massachusetts and in the national Democratic Party.

You were a personal mentor to many, yet you wanted to do more. With characteristic energy, you created an institutional embodiment of your example in the Program for Women in Politics & Public Policy. This evening's celebration is dedicated to your vision and to the support of the Betty Taymor Fund to further the education of women who share your intellectual and moral fervor. Your courage and determination continue to inspire all good citizens, both men and women, who are committed to equal rights and equal opportunity.

We unite in gratitude and congratulation, Senator John F. Kerry, Senator Paul G. Kirk, Michael E. Capuano, Edward J. Markey, Barney Frank, Richard E. Neal, John W. Olver, William D. Delahunt, James P. McGovern, John F. Tierney, Stephen F. Lynch, Niki Tsongas.•

TRIBUTE TO LTG STEPHEN M. SPEAKES

• Mr. LIEBERMAN. Mr. President, today I recognize the distinguished service of LTG Stephen M. Speakes as he prepares to retire after 35 years of exceptional service to this Nation as an officer of the U.S. Army. I have had the pleasure to work with General Speakes over the last several years as he served as the Army deputy chief of staff, G–8, a position in which he was responsible for matching the service's resources to the needs of our soldiers. His compassionate leadership, unwavering commitment and selfless dedication are exemplified in his enumerable contributions throughout his distinguished career.

General Speakes was commissioned as an armor officer in 1974. He began his career with troop-leading assignments in the 3d Armored Cavalry Regiment at Fort Bliss, TX, and the Third Brigade, Third Infantry Division in Aschaffenburg, Germany. He commanded the 2d Squadron, 11th Armored Cavalry Regiment at Bad Kissingen, and the 2d ''Blackjack'' Brigade in the First Cavalry Division, Fort Hood, TX.

General Speakes' service also includes assignments on the Joint Staff with the srategic arms reduction talks nuclear negotiations team in the Joint Staff's J5 Directorate for Strategic Plans and Policy, as a war planner in the Joint Staff's J7 Directorate for Operational Plans and Joint Force Development, and on the Army Staff's Force Development Directorate. A graduate of the U.S. Military Academy at West Point, General Speakes received a master's degree in government from Georgetown University and was a fellow at Harvard University's John F. Kennedy School of Government. At Harvard, he coauthored a study of U.N. peace enforcement, ''A Blue Helmet Combat Force.''

His senior assignments include a tour in Europe beginning in 1997 as the V Corps G3 and chief of staff. He then served as the deputy G3 at U.S. Army Forces Command before assignment as the chief of staff of the III Corps in August 2001. From August 2002 thru June 2003, General Speakes served as the assistant division commander of the 4th Infantry Division, Mechanized, and deployed in that capacity for Operation Iraqi Freedom. In June 2003, he departed Tikrit, Iraq, and reported to Kuwait as the deputy commanding general, Third U.S. Army and Coalition Forces Land Component Command. While there, he oversaw the redeployment of 250,000 soldiers and marines as the United States executed the first Iraq force rotation. Returning to the United States, General Speakes served as the director, force development on the G–8 staff from August 2004 to December 2006 before assuming his current responsibilities.

His lovely wife, Mrs. Gigi Speakes, has supported General Speakes and all the members of his commands in every assignment for the past 30 years. She has been integral to all the contributions that this Army team has been able to make to soldiers, the Army and the Nation. She is an outstanding volunteer in all aspects of her service to the Army.

The Speakes are the epitome of an Army family. Clearly, General and Mrs. Speakes' greatest achievement was the raising of two incredible sons, Grant and Brennan. Both are Army officers who have served on multiple deployments in support of Operation Iraqi Freedom. Their continued success in the military is the fruit of their parents' enduring love and dedication to them and other junior soldiers.

On behalf of the Senate and the United States of America, I thank General Speakes, his wife Gigi, and his entire family for the commitment, sacrifice, and contribution that they have made throughout his honorable military service. I congratulate them on completing an exceptional and successful career, and wish them the greatest

happiness as they move on to the next phase of their life together.●

RECOGNIZING D & G MACHINE PRODUCTS, INCORPORATED

● Ms. SNOWE. Mr. President, today I honor the work of a small business from my home State of Maine that produces innovative machine products used to expand the capabilities of factories in all sectors of our nation's economy. Founded in 1967 by Dave Gushee and Fred Loring in a one-car garage, D&G Machine Products, Incorporated, of Westbrook, is now responsible for producing the custom machinery vital to the operation of some of our nation's largest manufacturers.

With 79 highly-skilled employees and multiple facilities totaling more than 100,000 square feet, D&G's custom machine production has boundless possibilities. The company's highly trained designers utilize advanced engineering component modeling software to ensure an accurate and time-effective production process in creating a wide range of manufacturing equipment and machinery such as turbine parts, crank shafts, aerospace components, and food processing equipment.

The company also provides products to myriad companies in the pulp and paper, high technology, power, petrochemical, and defense industries. Furthermore, because D&G is a full-service manufacturer, they are capable of producing manufacturing equipment from a ''build to print'' template, or they can design, install, and implement a new manufacturing model based on a company's request. D&G's commitment to quality and stellar reputation has led to partnerships with numerous American manufacturing giants, such as Georgia-Pacific, General Dynamics, and Raytheon.

Notably, D&G's owner, Duane Gushee, sits on the Manufacturers Association of Maine's, MAMe, Board of Directors. MAMe does tremendous work to promote our State's remarkable manufacturers and to help them become increasingly more competitive. Additionally, as a member of the Maine Aerospace Alliance, one of MAMe's key initiatives, D&G is working to bolster our State's fledgling aerospace industry, which relies upon heavy manufacturing and holds significant promise for Maine's economic future. D&G's equipment design ingenuity is also helping our country keep its waters safe as this innovative small business provides advanced, custom-designed manufacturing tools to the U.S. Coast Guard.

D&G has been consistently recognized for its commitment to quality and critical prowess in the manufacturing field. For example, in 2004, Mr. Gushee was recognized with the Southern Maine Community College Alumni Business Innovation & Entrepreneurial Spirit Award. In turn, D&G has given back to the community in many ways, including making generous yearly donations to the Bruce Roberts Toy Fund, which goes toward the purchase of gifts for needy children.

Beginning as a garage business producing custom tools for manufacturers in Portland and becoming one of the most relied-upon manufacturing equipment suppliers in the nation, D&G and its founders Dave Gushee and Fred Loring provide us with a prescient example of the power of American ingenuity and determination. D&G's success is summed up by Duane Gushee's philosophy of ''constantly modernizing''—words of wisdom for companies seeking to become competitive in today's challenging global marketplace. I congratulate everyone at D&G Machine Products for their invaluable service to our Nation, and I wish them continued success in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore (Mr. BYRD) reported that he had signed the following enrolled bills, which had previously been signed by the Speaker of the House:

S. 1818. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

H.R. 621. An act to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

H.R. 2892. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1858. A bill to require Senate candidates to file designations, statements, and reports in electronic form.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 22, 2009, she had presented to the President of the United States the following enrolled bill:

S. 1818. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Steward L. Udall, and for other purposes.

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–3437. 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 2009–0165–2009–0178); to the Committee on Foreign Relations.

EC–3438. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the implementation of the Age Discrimination Act of 1975 for fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–3439. A communication from the Chairman, Merit System Protection Board, transmitting, pursuant to law, a report entitled ''Addressing Poor Performance and the Law''; to the Committee on Homeland Security and Governmental Affairs.

EC–3440. A communication from the Senior Procurement Executive, General Services Administration, Department of Defense and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–37'' received in the Office of the President of the Senate on October 16, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–3441. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–190, ''Loree H. Murray Way Designation Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–3442. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–191, ''Heat Wave Safety Temporary Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–3443. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–192, ''Residential Aid Discount Subsidy Stabilization Temporary Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–3444. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–201, ''Pension Vesting Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–3445. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–202, ''National Guard Morale, Welfare and Recreation Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–3446. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–203, ''District Residency RIF Protection Temporary Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–3447. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 18–204, ''Medical Insurance Empowerment Surplus Review Temporary Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–3448. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–205, ''Unemployment Compensation Administrative Modernization Temporary Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–3449. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–206, ''Unemployment Compensation Additional Benefits Program Temporary Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–3450. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Eastsound, WA'' ((RIN2120–AA66) (Docket No. FAA–2009–0554)) received in the Office of the President of the Senate on October 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3451. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Chuathbaluk, AK'' ((RIN2120–AA66) (Docket No. FAA–2009–0231)) received in the Office of the President of the Senate on October 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3452. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–300 and 737–400 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0429)) received in the Office of the President of the Senate on October 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3453. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc (RR) RB211–535E4 Series Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2009–0057)) received in the Office of the President of the Senate on October 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3454. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C–212–CB, C–212–CC, C–212–CD, and C–212–CE Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0611)) received in the Office of the President of the Senate on October 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3455. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Requirements and Procedures for Consumer Assistance to Recycle and Save Program'' (RIN2127–AK61) received in the Office of the President of the Senate on October 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3456. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Early Warning Reporting Regulations'' (RIN2127–AK28) received in the Office of the President of the Senate on October 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3457. A communication from the Assistant Chief Counsel, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Chemical Oxygen Generators'' (RIN2137–AE49) received in the Office of the President of the Senate on October 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3458. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Species; Designation of Critical Habitat for Atlantic Salmon (Salmo salar) Gulf of Maine Distinct Population Segment; Final Rule'' (RIN0648–AW77) received in the Office of the President of the Senate on October 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3459. A communication from the 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 Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XR92) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3460. A communication from the 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; Pollock in Statistical Area 630 of the Gulf of Alaska'' (RIN0648–XR91) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3461. A communication from the 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; Pollock in Statistical Area 620 of the Gulf of Alaska'' (RIN0648–XR90) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3462. A communication from the Deputy Assistant Administrator for Operations, 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; Western Alaska Community Development Quota Program, Rockfish Program, Amendment 80 Program; Bering Sea and Aleutian Islands Area Crab Rationalization Program'' (RIN0648–AW56) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3463. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Black Sea Bass Recreational Fishery; Emergency Rule'' (RIN0648–AY23) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3464. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Amendment 7'' (RIN0648–AW19) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3465. 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; Commercial Quota Harvested for 2009 Summer Period'' (RIN0648–XR94) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3466. 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; Pollock in Statistical Area 630 in the Gulf of Alaska'' (RIN0648–XS04) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3467. 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; Pollock in Statistical Area 620 in the Gulf of Alaska'' (RIN0648–XS06) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3468. 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; Greenland Turbot in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XS03) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3469. 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; Spiny Dogfish Fishery; Commercial Period 1 Quota Harvested'' (RIN0648–XR84) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3470. 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–XS12) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3471. 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, Groundfish Observer Program'' (RIN0648–AX94) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1340. A bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Laurie O. Robinson, of the District of Columbia, to be an Assistant Attorney General.

Benjamin B. Wagner, of California, to be United States Attorney for the Eastern District of California for the term of four years.

(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. BROWNBACK:

S. 1835. A bill to amend the Internal Revenue Code of 1986 to allow 5-year carryback of operating losses, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN:

S. 1836. A bill to prohibit the Federal Communications Commission from further regulating the Internet; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN:

S. 1837. A bill to amend title XVIII of the Social Security Act to cover hearing aids and auditory rehabilitation services under the Medicare Program; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Mr. WEBB):

S. 1838. A bill to establish a commission to commemorate the sesquicentennial of the American Civil War; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL:

S. 1839. A bill to provide for duty free treatment for certain United States Government property returned to the United States; to the Committee on Finance.

By Ms. CANTWELL:

S. 1840. A bill to extend the temporary suspension of duty on Linuron; to the Committee on Finance.

By Ms. CANTWELL:

S. 1841. A bill to suspend temporarily the duty on Terbacil; to the Committee on Finance.

By Ms. CANTWELL:

S. 1842. A bill to modify the provisions of the Harmonized Tariff Schedule of the United States relating to returned property; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. GRAHAM):

S. 1843. A bill to provide increased penalties for health care fraud; to the Committee on the Judiciary.

By Mr. GREGG:

S. 1844. A bill to suspend temporarily the duty on ski poles; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1845. A bill to extend the suspension of duty on Avermectin B; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1846. A bill to extend the suspension of duty on cloquintocet-mexyl; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1847. A bill to modify and extend the suspension of duty on clodinafop-propargyl; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1848. A bill to modify and extend the suspension of duty on fludioxinil technical; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1849. A bill to renew the temporary suspension of duty on primsulfuron; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1850. A bill to modify and extend the suspension of duty on pinoxaden; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1851. A bill to modify and extend the suspension of duty on azoxytrobin; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1852. A bill to suspend temporarily the duty on prosulfuron technical; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1853. A bill to extend the suspension of duty on mefenoxam technical; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1854. A bill to extend the suspension of duty on pymetrozine technical; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1855. A bill to extend the suspension of duty on cyproconazole technical; to the Committee on Finance.

By Mr. BARRASSO:

S. 1856. A bill to amend the Energy Policy Act of 2005 to clarify policies regarding ownership of pore space; to the Committee on Energy and Natural Resources.

By Ms. STABENOW (for herself, Mr. VOINOVICH, Mrs. HUTCHISON, Mr. BROWN, and Mr. KERRY):

S. 1857. A bill to establish national centers of excellence for the treatment of depressive and bipolar disorders; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself, Mr. COCHRAN, Mr. SCHUMER, Mr. BENNETT, and Mr. REID):

S. 1858. A bill to require Senate candidates to file designations, statements, and reports in electronic form; read the first time.

By Mr. ROCKEFELLER (for himself, Mr. CORNYN, Mr. KOHL, and Ms. SNOWE):

S. 1859. A bill to reinstate Federal matching of State spending of child support incentive payments; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 1860. A bill to permit each current member of the Board of Directors of the Office of Compliance to serve for 3 terms; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU (for herself, Mr. WICKER, and Mr. VITTER):

S. 1861. A bill to amend the Internal Revenue Code of 1986 to provide a 2-year extension of the increased rehabilitation credit for structures in the Gulf Opportunity Zone; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 1862. A bill to provide that certain Secret Service employees may elect to transition to coverage under the District of Columbia Police and Fire Fighter Retirement and Disability System; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOND (for himself and Mrs. MCCASKILL):

S. Res. 320. A resolution designating May 1 each year as ''Silver Star Banner Day''; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 453

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 453, a bill to authorize the Secretary of Housing and Urban Development to make grants and offer technical assistance to local governments and others to design and implement innovative policies, programs, and projects that address widespread property vacancy and abandonment, and for other purposes.

S. 456

At the request of Mr. DODD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 462

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 462, a bill to amend the Lacey Act Amendments of 1981 to prohibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, and for other purposes.

S. 491

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

At the request of Mr. WEBB, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 491, supra.

S. 583

At the request of Mr. PRYOR, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 583, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 607

At the request of Mr. UDALL of Colorado, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 607, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 634

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 647

At the request of Mr. KOHL, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 647, a bill to amend titles XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 775

At the request of Mr. VOINOVICH, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 777

At the request of Mr. BROWN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 777, a bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes.

S. 883

At the request of Mr. KERRY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 934

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 934, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren and protect the Federal investment in the national school lunch and breakfast programs by updating the national school nutrition standards for foods and beverages sold outside of school meals to conform to current nutrition science.

S. 945

At the request of Mr. FEINGOLD, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 945, a bill to require the Secretary of the Treasury to mint coins in commemoration of Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States.

S. 987

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1055, a bill 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. 1203

At the request of Mr. BAUCUS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1313

At the request of Mr. LUGAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1313, a bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.

S. 1340

At the request of Mr. LEAHY, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 1340, a bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

S. 1345

At the request of Mr. REED, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1345, a bill to aid and support pediatric involvement in reading and education.

S. 1405

At the request of Mr. KIRK, his name was added as a cosponsor of S. 1405, a bill to redesignate the Longfellow National Historic Site, Massachusetts, as the ''Longfellow House—Washington's Headquarters National Historic Site''.

S. 1536

At the request of Mr. SCHUMER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1536, a bill to amend title 23, United States Code, to reduce the amount of Federal highway funding available to States that do not enact a law prohibiting an individual from writing, sending, or reading text messages while operating a motor vehicle.

S. 1598

At the request of Mr. SCHUMER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1598, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 1660

At the request of Ms. KLOBUCHAR, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1660, a bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 1668

At the request of Mr. BENNET, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1668, a bill to amend title 38, United States Code, to provide for the inclusion of certain active duty service in the reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Program, and for other purposes.

S. 1681

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 1681, a bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

S. 1728

At the request of Mrs. MCCASKILL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1728, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyer credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

S. 1739

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1739, a bill to promote freedom of the press around the world.

S. 1744

At the request of Mr. SCHUMER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1744, a bill to require the Administrator of the Federal Aviation Administration to prescribe regulations to ensure that all crewmembers on air carriers have proper qualifications and experience, and for other purposes.

S. 1777

At the request of Mr. UDALL of Colorado, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1777, a bill to facilitate the remediation of abandoned hardrock mines, and for other purposes.

S. 1801

At the request of Mr. CARPER, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1801, a bill to establish the First State National Historical Park in the State of Delaware, and for other purposes.

S. 1809

At the request of Mr. WICKER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1809, a bill to amend the Clean Air Act to promote the certification of aftermarket conversion systems and thereby encourage the increased use of alternative fueled vehicles.

S. 1820

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1820, a bill to amend the Federal Water Pollution Control Act to establish national standards for discharges from cruise vessels.

S. 1822

At the request of Mr. MERKLEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1822, a bill to amend the Emergency Economic Stabilization Act of 2008, with respect to considerations of the Secretary of the Treasury in providing assistance under that Act, and for other purposes.

S. 1832

At the request of Ms. LANDRIEU, the names of the Senator from California (Mrs. BOXER) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1832, a bill to increase loan limits for small business concerns, provide for low interest refinancing for small business concerns, and for other purposes.

S. 1833

At the request of Mr. UDALL of Colorado, the names of the Senator from New York (Mr. SCHUMER), the Senator from Michigan (Mr. LEVIN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Montana (Mr. TESTER) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1833, a bill to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes.

S. RES. 317

At the request of Ms. KLOBUCHAR, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 317, a resolution supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the Senate 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.

S. RES. 318

At the request of Mr. DODD, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Ms. SNOWE), the Senator from Maine (Ms. COLLINS), the Senator from Kansas (Mr. BROWNBACK) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. Res. 318, a resolution supporting ''Lights On Afterschool'', a national celebration of afterschool programs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN:

S. 1836. A bill to prohibit the Federal Communications Commission from further regulating the Internet; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, today I am pleased to introduce legislation that would prohibit the Federal Communications Commission from enacting rules that would seek to regulate the Internet. Today the commission will meet to determine whether the historically open architecture and free flow of the Internet should be subject to onerous Federal regulation. Specifically, the commission will seek to impose ''net neutrality'' rules that would reign in the network management practices of all Internet service providers, including wireless phone companies.

Skeptical consumers should rightly view these new rules as yet another government power grab over a private service provided by a private company in a competitive marketplace. Earlier this year the administration moved to control much of the auto industry and the banking industry and now the administration is trying to control the technology industry by regulating its very core: the Internet.

This government takeover of the Internet will stifle innovation, in turn slowing our economic turnaround and further depressing an already anemic job market. Outside of health care, the technology industry is the nation's fastest growing job market. Innovation and job growth in this sector of our economy is the key to America's future prosperity. In 2008, while most industries were slashing jobs in the worst economy in nearly 30 years, high tech industries actually added over 77,000 good high-paying jobs. Just this month, Google and Yahoo both released positive earnings reports.

According to a report released last week by the Recovery Accountability and Transparency Board, which oversees the stimulus plan, 30,000 jobs have been directly created or saved by contractors who received money from the $787 billion stimulus package for infrastructure and social programs. This pales in comparison to the fact that the high tech industry produced more than double the number of jobs so far ''created or saved'' by the so-called ''stimulus legislation.'' It did so without the assistance of $787 billion from the wallets of taxpayers. Maybe a better stimulus package for this economy would be an administration decision to keep the Internet free of government control and regulation.

Unfortunately, the administration seems oblivious to the fact that their stated opposition to the supposed excesses of capitalism is at odds with a new regulatory regime being lobbied for by the most powerful businesses. As the Chairman of the Federal Communications Commission has recognized, Americans have benefitted enormously from the Internet's ''fundamental architecture of openness.'' The light touch regulatory approach toward the Internet that was advanced by previous administrations has brought Americans social networking, low cost long distance calling, texting, telemedicine and over 85,000 ''apps'' for the iPhone. It also brought us Twitter, You Tube, Hulu, Kindle, the Blackberry and the Palm. It has allowed the Internet to change our lives forever.

The wireless industry exploded over the past twenty years due to limited government regulation. Wireless carriers invested $100 billion in infrastructure and development over the past three years which has led to faster networks, more competitors in the marketplace and lower prices compared to

any other country. Meanwhile, wired telephones and networks have become a slow dying breed as they are mired in state and Federal regulations, universal service contribution requirements and limitations on use.

It is for these reasons that today I introduce The Internet Freedom Act of 2009 that will keep the Internet free from government control and regulation. This will allow for continued innovation that will in turn create more high-paying jobs for the millions of Americans who are out of work or seeking new employment. Keeping businesses free from oppressive regulations is the best stimulus for the current economy.

By Ms. LANDRIEU (for herself and Mr. WEBB):

S. 1838. A bill to establish a commission to commemorate the sesquicentennial of the American Civil War; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, I rise today to commemorate a defining moment in our Nation's history—the American Civil War. From 1861–1865, the U.S. was torn apart, engaged in the most deadly struggle that has ever befallen our great Nation. As we approach the War's 150th anniversary, we must remember the contributions of our forefathers, those many Americans who gave their lives to make America what it is now. Today I join my colleague, Senator WEBB, in introducing the Civil War Sesquicentennial Commission Act of 2009.

We all studied the Civil War in school. We know that the opening shots of the Civil War were fired at Fort Sumter, South Carolina in April of 1861 and that Robert E. Lee and Ulysses S. Grant agreed to peace at Appomattox Court House, Virginia on April 9, 1865. We recognize those most horrific battles—Antietam, Gettysburg, Fredericksburg, and the 10,000 other sites from New Mexico to Vermont that were host to fighting. We celebrate the strength and bravery of individuals such as Frederick Douglas and Harriett Tubman who risked everything to combat the deplorable institution of slavery. Every February, we observe President Lincoln's birthday, a day to recollect his legacy. The Emancipation Proclamation and Gettysburg address are two of the most memorable documents in American history, and it is thanks to President Lincoln that slavery was eradicated.

These are the most memorable aspects of the Civil War, but the influence and impact reaches so much further. I recently learned that on this very day, 148 years ago, work was underway on a revolutionary new technology—an innovation that would forever change the face of naval warfare. It was in October of 1861 that the keel of the USS Monitor was laid. For those who may not remember, the USS Monitor was the world's first ship to be entirely constructed from iron. It also featured the first rotating gun turret, allowing it to fire in any direction regardless of which way the ship was facing. Naval history recognizes this as the beginning of the end for wooden warships and the need to strategically position ships because their artillery could only be fired in one direction. I recognize this as an example of American ingenuity.

This is just one additional example to show how the events of the American Civil War have reverberated through history. Every aspect of American life was affected whether economic, cultural, political, or otherwise. The most profound consequence of the Civil War was to end the legal edifice that justified the subjugation of people based on accidental characteristics such as race.

We must remember what our forefathers sacrificed for us. More than 3 million men fought in the Civil War. They left their homes and their loved ones to fight for their beliefs, their families, their Nation. 620,000 of those soldiers gave their lives.

We must remember the untold number of civilians who lost their lives or welfare because the battles were taking place all around them. No State, city, community, or family was untouched by devastation or loss.

We must remember the legacies of the Civil War. The U.S. emerged completely altered after the 4 years of struggle, and as a testament of American resilience, grew stronger than it was before. The cultural and political ramifications still shape the American landscape today. It was in the era of Reconstruction that Congress adopted the 13th, 14th, and 15th amendments to the Constitution, acknowledging black Americans as free and equal citizens of the U.S.

The Civil War Sesquicentennial Commission Act of 2009 is about preserving the memory. It will establish a Commission to ensure suitable National observance. Consisting of 25 members from government, business and academia, this commission will develop and carry out programs to commemorate the 150th anniversary of the Civil War. It will work together with State and local governments, as well as various organizations, to assist with these activities and ensure that remembrance occurs at every level.

Mr. President, 2011 marks the anniversary of a monumentally tragic time in American history, but also a time of intensive change, growth, and hope. We must use this opportunity to reflect upon the Civil War, the sacrifices, legacies, and changes in our Nation. I urge support of the Civil War Sesquicentennial Commission Act of 2009.

By Mr. SPECTER (for himself and Mr. GRAHAM):

S. 1843. A bill to provide increased penalties for health care fraud; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I have sought recognition to speak about the Strengthening Enforcement for Health Care Fraud Crimes Act of 2009, which I am introducing today with Senator GRAHAM.

At a time when Congress is poised to pass historic health care reform legislation to protect the health of Americans, it is imperative that we do all that we can to eliminate waste, fraud and abuse in America's health care systems. We must do all that we can to prevent, detect and vigorously prosecute health care fraud.

Health care fraud costs tax payers billions of dollars each year. National health care spending in the United States exceeded $2.2 trillion and represented 16 percent of the Nation's Gross Domestic Product in 2007. The National Health Care Anti-Fraud Association, NHCAA, conservatively estimates that 3 percent of all health care spending—or more than $60 billion—is lost to health care fraud perpetrated against both public and private health plans. Other estimates by government and law enforcement agencies suggest losses from fraud as high as 10 percent—or $220 billion annually.

Fraud committed against both public and private plans by health care providers, medical equipment suppliers, drug companies, and also by fraudulent plan operators and brokers, undermines public trust in our health care system.

More importantly, the costs of health care fraud are borne by all Americans. It does not matter if you have health insurance sponsored by your employer, if you purchase privately your own insurance policy, or pay taxes to fund government health care programs. Health care fraud results in reduced benefits and coverage, and higher premiums and costs. It can mean higher taxes and increased budgetary challenges.

Health care fraud often targets the most vulnerable in our society—the elderly, the poor, and the infirm. Criminals involved in health care fraud falsify patients' medical records and steal patients' personal and insurance information to submit fraudulent claims. Health care fraud subjects patients to unnecessary and dangerous medical procedures. According to the FBI:

> One of the most significant trends observed in recent health care fraud cases includes the willingness of medical professionals to risk patient harm in their schemes. FBI investigations in several offices are focusing on subjects who conduct unnecessary surgeries, prescribe dangerous drugs without medical necessity, and engage in abusive or substandard care practices.

FBI Financial Crimes Report to the Public, Fiscal year 2007.

Criminologists have long reported that criminals look at three factors in performing their own cost benefit analysis: the risk of getting caught; the probability of being convicted; and the severity of the punishment.

The bill I am introducing today addresses the third factor—and sends the message loud and clear to those who would contemplate committing health

care fraud. If caught stealing $100,000 or more you will go to jail—no ifs, ands or buts. The bill provides a sentence of at least 6 months incarceration for committing health care fraud with losses of $100,000 or more. You may even get more jail—under the discretionary guidelines—but no one will get less than 6 months for schemes of this size.

Since the Supreme Court decided United States v. Booker in January 2005 and made the Sentencing Guidelines advisory, sentencing judges have wide discretion to impose sentences on criminal defendants unless mandatory minimum sentences are applicable. Except for aggravated identity theft crimes, defendants do not face mandatory imprisonment for white collar crimes. Given the importance and necessity to vigorously prosecute and punish serious health care fraud crimes, I urge the Senate to pass this bill. Without it, there will be no certainty of punishment nor effective deterrence for serious health care fraud crimes.

By Ms. STABENOW (for herself, Mr. VOINOVICH, Mrs. HUTCHISON, Mr. BROWN, and Mr. KERRY):

S. 1857. A bill to establish national centers of excellence for the treatment of depressive and bipolar disorders; to the Committee on Health, Education, Labor, and Pensions.

Ms. STABENOW. Mr. President, today I introduced legislation to create a national strategy for treating two diseases that affect millions of Americans: depression and bipolar disorders. This bill, the Establishing a Network of Health-Advancing National Centers of Excellence for Depression, or the ENHANCED Act, will establish a network of national centers of excellence for the treatment of these disabling conditions. My bill would increase the number of people with depressive disorders who receive appropriate and evidence-based treatment; it would create a national resource to develop and disseminate evidence-based interventions, and provide public and professional education aimed at eradicating the stigma associated with depressive and bipolar disorders.

Depression and bipolar disorders affect one of every five people in the United States and are the leading cause of disability among individuals between the ages of 15 and 44. In fact, more Americans suffer from depression, bipolar illness and other mood disorders than from coronary heart disease and cancer combined.

Depression can affect anyone, at any age, at any time. It affects children, adolescents, and adults. It affects people of all racial, ethnic, religious, and socioeconomic levels as well as both sexes. Young adults, women of childbearing age, people with chronic medical conditions such as diabetes and heart disease, and adults over the age of 55 are at especially high risk of depression.

With medication, psychotherapy, or combined treatment, most people with depression and mood disorders can be effectively treated and resume productive lives. Yet one-third of those suffering from depression—nearly 5 million Americans—do not receive treatment because they cannot afford it, do not believe it is needed, are afraid of societal judgment, or do not know where to go.

My bill is based on work done informally by 16 academic research institutions across the nation. Led by my own State's University of Michigan Depression Center, these comprehensive research and treatment centers have joined together to create a network of depression centers positioned to take academic research and translate it into practice, standardize diagnoses, treat early and more effectively, and prevent recurrences of depression and bipolar disorders.

Currently, there is no direct federal support or coordination of this work. Clinicians lack universally accepted multi-disciplinary approaches and real-time clinical and care management guidelines. Nearly half of all diagnoses of depression and bipolar are missed. And tragically, one of the preventable costs of undiagnosed, untreated and undertreated depression is suicide. The World Health Organization recently reported that suicide causes more deaths around the world every year than homicide or war. Across all age groups nationwide, more than 90 percent of those who commit suicide have a diagnosable psychiatric illness at the time of death: usually depression, alcohol abuse or both. Clearly, we need better diagnostic approaches to depression in primary care, other medical settings, and mental health programs.

Finally, depression has a significant economic impact on society. The estimated total annual cost of depression in the U.S. is $83.1 billion, with the majority of costs in the form of reduced productivity, absenteeism, and mortality.

The ENHANCED Act offers us a viable response to a devastating and often debilitating disease: it would create a national network with a pathway for developing and expanding up to 30 depression centers of excellence with a goal of increasing access to the most appropriate and evidence-based depression care; it would develop and disseminate evidence-based treatment standards, clinical guidelines, and protocols to improve accurate and timely diagnosis of depression and bipolar disorders; it would expand multidisciplinary, translational, and patient-oriented research by fostering the collaboration of academic and community-based organizations; and, it would establish a sustainable national resource for public and professional education and training.

We need to act now to make effective and evidence-based treatment of depressive and bipolar disorders available to the millions of Americans suffering from depression.

I urge my colleagues to join me today to support the ENHANCED Act.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

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

MENTAL HEALTH AMERICA,
Alexandria, VA, October 13, 2009.

Hon. DEBBIE STABENOW,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR STABENOW: On behalf of Mental Health America (MHA) and our national network of more than 300 affiliates across the United States, I wanted to express our strong support for your legislative proposal to establish national centers of excellence for the treatment of depressive and bipolar disorders.

Your proposal to create the national network of centers of excellence for depressive and bipolar disorders would enhance the coordination and integration of physical, mental and social care that are so critical to the identification and treatment of depression and other mental disorders across the lifespan. The work of these centers will be an essential component in the dissemination and implementation of evidence-based practices in clinical settings throughout the country.

The goals of this initiative would be to create improved clinical care guidelines, chronic care coordination, multi-disciplinary translational research, and public-private partnerships. Publicly available national databases would be developed and community resources would be leveraged. This initiative would also encourage the use of electronic health records and telehealth technologies to better coordinate, manage, and improve access to care.

These centers are especially critical at this time given the strong evidence that economic uncertainty and recession increase the rates of psychiatric symptoms and demand for services. Depression is associated with poorer health outcomes and higher health care costs. Rates of depression and suicide—already at a staggering level of nearly 33,000 persons a year (roughly twice the number of homicides)—tend to climb during times of economic tumult. Our nation must prioritize the integration and coordination of mental health with general health care.

As you know, the lack of adequate care coordination for individuals with mental illness makes this population particularly vulnerable. For example, persons with serious mental illness die, on average, 25 years earlier than the general population, mainly due to other co-occurring chronic conditions. This proposal is an important step in an effort to decrease these distressing mortality rates and improve the quality of life for individuals experiencing mental health conditions.

MHA applauds your work on this important legislative initiative and looks forward to working with you to achieve its enactment at the earliest possible date.

Sincerely,

DAVID L. SHERN, PH.D,
President and CEO.

AMERICAN ASSOCIATION FOR GERIATRIC PSYCHIATRY,
Bethesda, MD, October 6, 2009.

Hon. DEBBIE STABENOW,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR STABENOW: On behalf of the American Association for Geriatric Psychiatry (AAGP), I wanted to take this opportunity to express our strong support for your

legislative proposal to establish national centers of excellence for the treatment of depressive and bipolar disorders.

AAGP is a professional membership organization dedicated to promoting the mental health and well being of older Americans and improving the care of those with late-life mental disorders. AAGP's membership consists of approximately 2,000 geriatric psychiatrists as well as other health professionals who focus on the mental health problems faced by older adults.

Of the approximately 32 million Americans who have attained age 65, about five million suffer from depression, yet an astounding number go without treatment. Depression is associated with poorer health outcomes and higher health care costs. Those with depression are more likely to be hospitalized and experience almost twice the number of medical visits than those without depression. Older adults also have the highest rate of suicide in the country, accounting for approximately 20 percent of all suicide deaths; and the suicide rate for those 85 and older is nearly twice the national average.

The national network of centers of excellence for depressive disorders that would be created by your proposal would enhance the coordination and integration of physical, mental and social care that is so critical to the identification and treatment of depression and other mental disorders across the lifespan. The work of these centers will be an essential component in the dissemination and implementation of evidence-based practices in clinical settings throughout the country.

We applaud your work on this important legislative initiative and look forward to working with you to achieve its enactment at the earliest possible date.

Sincerely,

CHARLES F. REYNOLDS, III, MD,
President.

AMERICAN ACADEMY OF
CHILD AND ADOLESCENT PSYCHIATRY,
Washington, DC.

Hon. SHERROD BROWN,
Russell Senate Office Building,
Washington, DC.
Hon. JOHN KERRY,
Russell Senate Office Building,
Washington, DC.
Hon. KAY BAILEY HUTCHISON,
Russell Senate Office Building,
Washington, DC.
Hon. DEBBIE STABENOW,
Hart Senate Office Building,
Washington, DC.

DEAR SENATORS BROWN, KERRY, HUTCHISON, AND STABENOW: On behalf of the American Academy of Child and Adolescent Psychiatry (AACAP), I write to support the ENHANCED Act of 2009. The establishment of national centers of excellence for the treatment of depression and bipolar disorder is essential as we move forward with real healthcare reform.

As child and adolescent psychiatrists, our members are deeply invested in early identification of children with depressive disorders, as well as prevention strategies targeting children at risk. As many as 1 in 33 children and 1 in 8 teenagers in the United States have clinical depression. Suicide is the leading cause of death among those between the ages of 15 and 24.

While many adolescents are diagnosed with a depressive disorder, most go undetected and untreated. Lack of detection leads to social and academic decline, may foster treatment resistance in children, and result in many future problems.

The AACAP is a medical membership association established by child and adolescent psychiatrists in 1954. Now over 8,000 members strong, the AACAP is the leading national medical association dedicated to treating and improving the quality of life for the estimated 14 million American youth under 18 years of age who are affected by emotional, behavioral, developmental and mental disorders.

On behalf of AACAP's members, I commend you for your continued leadership on this issue. We are pleased to support this bill and we look forward to working with you and your staff to ensure its passage. Please contact Kristin Kroeger, Director of Government Affairs, if you have any questions concerning children's mental health issues.

Sincerely,

ROBERT L. HENDREN,
President.

AMERICAN FOUNDATION
FOR SUICIDE PREVENTION,
New York, NY, October 21, 2009.

Hon. DEBBIE STABENOW,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR STABENOW: It is with great enthusiasm that we write to support the ENHANCED Act which would establish a national network of Centers of Excellence for the treatment of a full range of depressive disorders that afflict our population.

Although depressive disorders are the most common illnesses that lead to disability in our country, there has been little concerted national effort to acknowledge the problem and enhance the treatment. Besides disability, they cause enormous suffering, loss of productivity, difficulty with family, friends and colleagues and can be fatal. As you are aware, suicide is the 11th leading cause of death in this country. Ninety percent of those who die by suicide have a mental disorder and the most common mental disorder is depression. Most people have known someone who has died by suicide. While survivors often recognize that the person was in a great deal of pain and agony, they often do not understand that the person was suffering from a treatable disease. We believe that this legislation can lead to partnerships between organizations like ours and the Centers of Excellence with the goal of reducing suicide. This has been an unrealized national imperative since the National Strategy for Suicide Prevention was issued in 2001.

Given that there is evidence that depression is under-recognized and often inadequately treated, we believe that these Centers of Excellence would provide appropriate and evidence-based treatment. In so doing, they would provide families, the public and professionals with knowledge about theses disorders and help to erase the stigma that exists about them.

Treating depression requires a great deal of skill in order to provide the best care to each individual. These Centers of Excellence will promote best practices and therefore become national resources for the 35,000,000 people affected with depressive illnesses.

Given the recent well-documented increase in suicides in the military and returning veterans, it is clear that the country needs an all-out commitment to the education and treatment of these disorders. Thank you again for your work on this bill and please let us know how we can ensure that it becomes law, so that millions of Americans suffering from depressive disorders can recover and live healthy and productive lives.

Sincerely,

ROBERT GEBBIA,
Executive Director.
PAULA J. CLAYTON,
Medical Director.

By Mr. ROCKEFELLER (for himself, Mr. CORNYN, Mr. KOHL, and Ms. SNOWE):

S. 1859. A bill to reinstate Federal matching of State spending of child support incentive payments; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today, I introduce the Child Support Protection Act of 2009; with my colleagues Senators CORNYN, KOHL, and SNOWE. This bill continues the longstanding, bipartisan support of Congress for the Child Support Enforcement program, which began with the passage of the authorizing legislation in 1974.

Child support enforcement is a strong partnership between the Federal Government and State governments to help parents provide long term support for their children. It includes a network of 60,000 dedicated staff serving 17 million children across this country.

In 2008, paternity was established for 1.8 million children ensuring that the legal rights of both the children and their fathers were protected; 1.2 million orders for support were also established, resulting in $26.6 billion of child support being collected and distributed to families. This is an important investment in the future of our Nation, our children.

So, the Child Support Enforcement program's results are impressive and it is widely recognized as one of the most effective programs operated by the Federal Government. In fact, the program is notable for collecting $4.79 for each dollar of expenditure. It is a true bargain that works well.

Child support collections account for 31 percent of the income of single parent households, but the program does so much more. It works with non-custodial parents who need employment so that they can make regular payments. Child support staff also play a critical role in times of high joblessness, by processing adjustments to support orders so that non-custodial parents do not fall hopelessly behind.

When Congress passed the Child Support Performance and Incentive Act of 1998, CSPIA, it created an innovative incentive program that rewards efficient, results-oriented child support enforcement efforts. These earned performance incentives must be used for child support activities. One of every $4 from State expenditures to fund the child support program comes from CSPIA incentives and matched Federal funds. The Deficit Reduction Act, DRA, of 2005 repealed the authority to use the earned performance incentives as a match for Federal funds. The bill we have introduced today reverses the funding reduction imposed by the DRA.

States are using the incentives in a variety of ways. In my State of West Virginia, the incentive dollars are being used to invest in technology to upgrade services and enhance customer service. Thirty States or territories are investing in staff and program operations. Sixteen States are investing in

technology, and three others are investing in customer service programs.

The Child Support Protection Act would give States the authority to use earned performance incentives to fund this important work and continue the impressive results that are being achieved. This permanent reversal is critical so that those in State and local government can budget for 2011 and beyond. I urge my colleagues in the Senate to cosponsor this much needed legislation that is not only important to child support enforcement, but our children, their families, and the States.

Mr. KOHL. Mr. President, I rise with my colleagues, Senators ROCKEFELLER, CORNYN and SNOWE, in support of the Child Support Protection Act. Our bipartisan group has joined together in a fight for our states, counties and the people we serve every day. The legislation we are introducing today represents a renewed effort in that fight, as we work to restore cuts to the child support enforcement program.

This fight began in 2005 during Senate debate of the Deficit Reduction Act, or the DRA. That bill included cuts to the child support enforcement program—one of the most effective federal programs and one that directly benefits hardworking, single parent families. During consideration of the DRA, I joined 75 other Senators in support of a resolution rejecting child support funding cuts. But conferees ignored the Senate's record, including a provision to prevent states from receiving Federal matching funds on incentive payments.

Before passage of the Deficit Reduction Act, states with high-performing child support enforcement programs were eligible for additional funding. With the limitation included in the final bill, however, States like Wisconsin were suddenly penalized for their hard work and success. These states saw their child support dollars disappear—and were faced with tough budgeting decisions at both the state and county levels. Within a year, child support offices in my State were forced to lay off workers and many were left with no option but to scale back services.

Congress took a step towards fixing the problem as part of the American Recovery and Reinvestment Act. The Recovery bill temporarily restored the funding process that was in place before the Deficit Reduction Act, and allowed States—for fiscal years 2009 and 2010—to draw down much needed Federal matching funds. In Wisconsin, the need was so great that some offices used that funding to hire temporary staff—to clear case backloads and assist the constituents who have been hurt by the funding cuts.

This is a short term solution—to a problem that Congress created. It is time to fix that problem. The economy has left families struggling, and child support is a lifeline for many of them. It is time to give States and counties the ability to budget beyond the coming year. It is time to help the thousands of families who rely on child support payments to stay out of poverty and off public assistance. It is time for my colleagues to join me in supporting, and to pass, the Child Support Enforcement Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 320—DESIGNATING MAY 1 EACH YEAR AS ''SILVER STAR BANNER DAY''

Mr. BOND (for himself and Mrs. MCCASKILL) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 320

Whereas the Senate has always honored the sacrifices made by the wounded and ill members of the Armed Forces,

Whereas the Silver Star Service Banner has come to represent the members of the Armed Forces and veterans who were wounded or became ill in combat in the wars fought by the United States;

Whereas the Silver Star Families of America was formed to help the American people remember the sacrifices made by the wounded and ill members of the Armed Forces by designing and manufacturing Silver Star Service Banners and Flags for that purpose;

Whereas the sole mission of the Silver Star Families of America is to evoke memories of the sacrifices of members and veterans of the Armed Forces on behalf of the United States through the presence of a Silver Star Service Banner in a window or a Silver Star Flag flying; and

Whereas the sacrifices of members and veterans of the Armed Forces on behalf of the United States should never be forgotten: Now, therefore, be it

Resolved, That the President is authorized and requested to issue a proclamation designating May 1 each year as ''Silver Star Service Banner Day'' and to call upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2698. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table.

SA 2699. Mr. ISAKSON (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 3548, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2698. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

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

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking ''as adjusted by paragraph (2) of this subsection'' and inserting ''adjusted as provided by law''.

(c) EFFECTIVE DATE.—This section shall take effect on December 31, 2010.

SA 2699. Mr. ISAKSON (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. ___. CREDIT FOR CERTAIN HOME PURCHASES.

(a) ELIMINATION OF FIRST-TIME HOMEBUYER REQUIREMENT.—

(1) IN GENERAL.—Subsection (a) of section 36 of the Internal Revenue Code of 1986 is amended by striking ''who is a first-time homebuyer of a principal residence'' and inserting ''who purchases a principal residence''.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (c) of section 36 of such Code is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively.

(B) Section 36 of such Code is amended by striking ''**FIRST-TIME HOMEBUYER CREDIT**'' in the heading and inserting ''**HOME PURCHASE CREDIT**''.

(C) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 36 and inserting the following new item:

''Sec. 36. Home purchase credit.''.

(D) Subparagraph (W) of section 26(b)(2) of such Code is amended by striking ''homebuyer credit'' and inserting ''home purchase credit''.

(b) EXPANSION OF APPLICATION PERIOD.—

(1) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986 is amended by striking ''December 1, 2009'' and inserting ''July 1, 2010''.

(2) WAIVER OF RECAPTURE.—

(A) IN GENERAL.—Subparagraph (D) of section 36(f) of such Code is amended by striking ''December 1, 2009'' and inserting ''July 1, 2010''.

(B) CONFORMING AMENDMENT.—The heading of such subparagraph (D) is amended by inserting ''AND 2010'' after ''2009''.

(3) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 of such Code is amended—

(A) by striking ''December 1, 2009'' and inserting ''January 1, 2010'', and

(B) by adding at the end the following: ''In the case of a purchase of a principal residence after December 31, 2009, and before July 1, 2010, a taxpayer may elect to treat such purchase as made on December 31, 2009, for purposes of this section (other than subsections (c) and (f)(4)(D)).''.

(c) MODIFICATION OF INCOME LIMITATION.—Subsection (b) of section 36 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''$150,000'' in paragraph (2)(A)(i)(II) and inserting ''$300,000'', and

(2) by striking ''$75,000'' in such paragraph (2)(A)(i)(II) and inserting ''$150,000''.

(d) WAIVER OF ACCELERATED RECAPTURE FOR MEMBERS OF THE ARMED FORCES.—Paragraph (4) of section 36(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(E) RELOCATION OF MEMBERS OF THE ARMED FORCES.—Paragraph (2) shall not apply in the case of a member of the Armed Forces of the United States on active duty who moves pursuant to a military order and incident to a permanent change of station.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to residences purchased on or after the date of the enactment of this Act.

(2) EXTENSION.—The amendments made by subsection (b) shall apply to residences purchased after November 30, 2009.

SEC. ___. PROVISIONS TO ENHANCE THE ADMINISTRATION OF THE FIRST-TIME HOMEBUYER TAX CREDIT.

(a) AGE LIMITATION.—

(1) IN GENERAL.—Subsection (b) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) AGE LIMITATION.—No credit shall be allowed under subsection (a) with respect to the purchase of any residence unless the taxpayer has attained age 18 as of the date of such purchase. In the case of any taxpayer who is married (within the meaning of section 7703), the taxpayer shall be treated as meeting the age requirement of the preceding sentence if the taxpayer or the taxpayer's spouse meets such age requirement.''.

(2) CONFORMING AMENDMENT.—Subsection (g) of section 36 of such Code, as amended by this Act, is amended by striking ''subsections (c) and (f)(4)(D)'' each place it appears and inserting ''subsection (b)(3), (c), and (f)(4)(D)''.

(b) DOCUMENTATION REQUIREMENT.—Subsection (d) of section 36 of such Code is amended by striking ''or'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', or'', and by adding at the end the following new paragraph:

''(3) the taxpayer fails to attach to the return of tax for such taxable year a properly executed copy of the settlement statement used to complete such purchase.''.

(c) RESTRICTION ON MARRIED INDIVIDUAL ACQUIRING RESIDENCE FROM FAMILY OF SPOUSE.—Clause (i) of section 36(c)(2)(A) of such Code, as redesignated by this Act, is amended by inserting ''(or, if married, such individual's spouse)'' after ''person acquiring such property''.

(d) CERTAIN ERRORS WITH RESPECT TO THE FIRST-TIME HOMEBUYER TAX CREDIT TREATED AS MATHEMATICAL OR CLERICAL ERRORS.—Paragraph (2) of section 6213(g) of such Code is amended by striking ''and'' at the end of subparagraph (M), by striking the period at the end of subparagraph (N) and inserting '', and'', and by inserting after subparagraph (N) the following new subparagraph:

''(O) an entry on a return claiming the credit under section 36 if—

''(i) the Secretary obtains information from the person issuing the TIN of the taxpayer that indicates that the taxpayer does not meet the age requirement of section 36(b)(3),

''(ii) information provided to the Secretary by the taxpayer on an income tax return for at least one of the 2 preceding taxable years is inconsistent with eligibility for such credit, or

''(iii) the taxpayer fails to attach to the return the form described in section 36(d)(3).''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to purchases after the date of the enactment of this Act.

(2) DOCUMENTATION REQUIREMENT.—The amendments made by subsection (b) shall apply to returns for taxable years ending after the date of the enactment of this Act.

(3) TREATMENT AS MATHEMATICAL AND CLERICAL ERRORS.—The amendments made by subsection (d) shall apply to returns for taxable years ending on or after April 9, 2008.

SEC. ___. CERTAIN TAX RETURN PREPARERS REQUIRED TO FILE RETURNS ELECTRONICALLY.

(a) IN GENERAL.—Subsection (e) of section 6011 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR TAX RETURN PREPARERS.—

''(A) IN GENERAL.—The Secretary shall require than any individual income tax return prepared by a tax return preparer be filed on magnetic media if—

''(i) such return is filed by such tax return preparer, and

''(ii) such tax return preparer is a specified tax return preparer for the calendar year during which such return is filed.

''(B) SPECIFIED TAX RETURN PREPARER.—For purposes of this paragraph, the term 'specified tax return preparer' means, with respect to any calendar year, any tax return preparer unless such preparer reasonably expects to file 100 or fewer individual income tax returns during such calendar year.

''(C) INDIVIDUAL INCOME TAX RETURN.—For purposes of this paragraph, the term 'individual income tax return' means any return of the tax imposed by subtitle A on individuals, estates, or trusts.''.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 6011(e) of such Code is amended by striking ''The Secretary may not'' and inserting ''Except as provided in paragraph (3), the Secretary may not''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns filed after December 31, 2010.

SEC. ___. EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 6041 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsections:

''(h) APPLICATION TO CORPORATIONS.—Notwithstanding any regulation prescribed by the Secretary before the date of the enactment of this subsection, for purposes of this section the term 'person' includes any corporation that is not an organization exempt from tax under section 501(a).

''(i) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be appropriate or necessary to carry out the purposes of this section, including rules to prevent duplicative reporting of transactions.''.

(b) PAYMENTS FOR PROPERTY AND OTHER GROSS PROCEEDS.—Subsection (a) of section 6041 of the Internal Revenue Code of 1986 is amended—

(1) by inserting ''amounts in consideration for property,'' after ''wages,'',

(2) by inserting ''gross proceeds,'' after ''emoluments, or other'', and

(3) by inserting ''gross proceeds,'' after ''setting forth the amount of such''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after December 31, 2011.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources Subcommittee on National Parks.

The hearing will be held on Wednesday, November 4, 2009, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 1369, to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes;

S. 1405, to redesignate the Longfellow National Historic Site, Massachusetts, as the ''Longfellow House-Washington's Headquarters National Historic Site'';

S. 1413, to amend the Adams National Historical Park Act of 1998 to include the Quincy Homestead within the boundary of the Adams National Historical Park, and for other purposes;

S. 1767 and H.R. 1121, to authorize a land exchange to acquire land for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes;

S. Res. 275, honoring the Minute Man National Historical Park on the occasion of its 50th anniversary;

H.R. 2802, to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes; and

H.R. 3113, to amend the Wild and Scenic Rivers Act to designate a segment of the Elk River in the State of West Virginia for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to allison_seyferth@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Allison Seyferth at (202) 224–4905.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the hearing before the Subcommittee on Public Lands and Forests to receive testimony on managing Federal forests in response to climate change, including for natural resource adaptation and carbon sequestration has been rescheduled.

The rescheduled hearing will be held on Wednesday, November 18, 2009, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those

wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to: allison__seyferth@energy.senate.gov.

For further information, please contact Scott Miller at (202) 224–5488 or Allison Seyferth at (202) 224–4905.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on October 22, 2009, at 9:30 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on October 22, 2009.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 22, 2009, at 10 a.m., to hold a hearing entitled ''NATO: A Strategic Concept for Transatlantic Security.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 22, 2009, at 3 p.m., to hold a members briefing entitled ''Status Report on Iran.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Keeping America's Families Safe: Reforming the Food Safety System'' on October 22, 2009. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on October 22, 2009, at 10 a.m. to conduct a hearing entitled ''Presidential Advice and Senate Consent: The Past, Present, and Future of Policy Czars.''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on October 22, 2009, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on October 22, 2009, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SELECT COMMITEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 22, 2009, at 2:30 p.m.

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

MEDAL OF HONOR COMMEMORATIVE COIN ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent the Banking Committee be discharged from further consideration of H.R. 1209.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1209) to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The bill (H.R. 1209) was ordered to a third reading, was read the third time, and passed.

PROCLAIMING CASIMIR PULASKI TO BE AN HONORARY CITIZEN OF THE UNITED STATES POSTHUMOUSLY

Mr. REID. I now ask we proceed to H.J. Res. 26, after the Judiciary Committee is so discharged.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 26) proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DURBIN. Mr. President, October 11, 2009, marked the 230th anniversary of the death of General Casimir Pulaski, a man who made the ultimate sacrifice in pursuit of American independence.

In March, I introduced S.J. Res. 12 to grant honorary posthumous citizenship to General Pulaski. The Senate passed my resolution unanimously. Recently, the House of Representatives passed H.J. Res. 26, the House's version of this resolution, which was introduced by Representative DENNIS KUCINICH. Today, the Senate will consider H.J. Res. 26 and I urge my colleagues to support it.

I would like to thank Senator LISA MURKOWSKI, the lead Republican cosponsor of S.J. Res. 12, as well as the resolution's other cosponsors, Senators MIKULSKI, CARDIN, WHITEHOUSE, DODD, BROWN, BURRIS, and PRYOR. I would especially like to thank the Polish Legion of American Veterans, U.S.A., for their longstanding and tireless support for this resolution.

This resolution is a long overdue tribute to a man who gave his life to the cause of American freedom, a man who is often referred to as the ''Father of the American Cavalry.''

General Pulaski was born in Warsaw, Poland, and became a Polish national hero for his struggles against Russian domination. His opposition to Russian influence and participation in an unsuccessful rebellion against Russia led to his exile from Poland.

Seeking refuge, Pulaski traveled to France, where he met Benjamin Franklin and was inspired to join the Continental Army in its fight for American independence. Franklin recommended Pulaski to General George Washington as ''an officer renowned throughout Europe for the courage and bravery he displayed in defense of his country's freedom.''

On September 11, 1777, Casimir Pulaski fought with distinction in the Battle of Brandywine, where his bravery and military skill helped to avert American defeat and save the life of George Washington. Upon Washington's recommendation, the Continental Congress promoted Pulaski to General and appointed him General of the Cavalry. That same year, Casimir Pulaski wrote to Washington, ''I came here, where freedom is being defended, to serve it, and to live or die for it.''

General Pulaski recruited, outfitted, and trained America's first true cavalry. Pulaski often even used his own personal finances to provide his troops with the finest equipment to ensure their safety in battle.

Two years after he joined the fight for American freedom, Pulaski was mortally wounded during a major offensive against British forces in Savannaha, GA. He died at sea, aboard the USS *Wasp*, on October 11, 1779.

General Pulaski's valiant service and heroic death inspired his contemporaries and continue to inspire us today. Shortly after his death, the Continental Congress resolved to build a monument in his honor that proved to be the first of many. In 1825, General Lafayette, an honorary American citizen, laid the cornerstone for the Pulaski monument in Savannah, GA. In 1929, Congress resolved that October 11 of each year would be Pulaski Day in the United States, and several States have followed that example. There are countless schools, streets, towns, and memorials across this country that bear his name and honor his contributions to our Nation's birth.

In my home State of Illinois, we are privileged to have a large and vibrant Polish American community. Chicago is home to the Polish American Museum and the Polish American Congress, which includes three thousand Polish organizations from across the country. The Polish American community also has a large presence in the Illinois National Guard, which has enjoyed a long-standing relationship with the Polish Air Force.

Illinois honored General Pulaski in 1973 by designating the first Monday of every March Pulaski Commemorative Day. In 1986, that day was declared a State holiday.

Honorary citizenship is long overdue and a proper tribute to a man who gave his labor and life to the cause of American independence. I urge my colleagues to support H.J. Res. 26 to honor General Casimir Pulaski and his indelible contribution to our Nation's birth.

Mr. REID. I ask unanimous consent the joint resolution be read a third time and passed, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The joint resolution (H.J. Res. 26) was ordered to a third reading, was read the third time, and passed.

MEASURE READ THE FIRST TIME—S. 1858

Mr. REID. It is my understanding that S. 1858 is at the desk and due for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1858) to require Senate candidates to file designations, statements, and reports in electronic form.

Mr. REID. Mr. President, I ask for a second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR MONDAY, OCTOBER 26, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, October 26; 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, and the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

PROGRAM

Mr. REID. As previously announced, there will be no rollcall votes during Monday's session of the Senate. The next vote will occur at 2:30 p.m. on Tuesday, October 27. That vote will be on the motion to proceed to H.R. 3548, the Unemployment Compensation Extension Act of 2009.

Next week will be a busy week. We hope to complete action on the Unemployment Insurance Extension Act, Commerce-Justice-Science Appropriations, and Military Construction Appropriations. We also need to pass a continuing resolution before the end of the week.

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.

Mr. REID. 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—EXECUTIVE CALENDAR

Mr. REID. Mr. President, as if in executive session, I ask unanimous consent that on Tuesday, October 27, following a period of morning business, the Senate proceed to executive session to consider Calendar No. 470, the nomination of Irene Berger to be United States District Judge for the Southern District of West Virginia; that debate be limited to 60 minutes equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that at 2:15 p.m. the Senate proceed to vote on confirmation of the nomination, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, no further motions be in order, and the Senate then resume legislative session, and that upon resuming legislative session, the Senate vote on the motion to invoke cloture on the motion to proceed to H.R. 3548.

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

ADJOURNMENT UNTIL MONDAY, OCTOBER 26, 2009, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:07 p.m., adjourned until Monday, October 26, 2009, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

BETTY E. KING, OF NEW YORK, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE OFFICE OF THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

LILLIAN A. SPARKS, OF MARYLAND, TO BE COMMISSIONER OF THE ADMINISTRATION FOR NATIVE AMERICANS, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE QUANAH CROSSLAND STAMPS, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

JAMES C. LEWIS

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

TIMOTHY M. SHERRY

To be lieutenant commander

ROBERT N. MILLS

EXTENSIONS OF REMARKS

IN MEMORY OF DON FISHER

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Ms. PELOSI. Madam speaker, I rise to pay tribute to the life and legacy of Donald Fisher, an innovative business leader and civic-minded philanthropist, who passed away on September 27, surrounded by his loving family. Don used his remarkable business success for the good of his community and our Nation and he will be long outlived by his legacy to the economy, the arts, education, the environment and sports.

A third-generation San Franciscan and graduate of Lowell High School, Don attended the University of California, Berkeley, where he was an all-American swimmer and water polo player. In 1969, Don and his wife Doris opened the first Gap store on Ocean Avenue in San Francisco, drawing from the City's culture to influence casual style in the U.S. and throughout the world.

Growing a single Gap store into a multinational and multi-brand corporation, Don used his remarkable success to promote corporate philanthropy. In 1977, Doris and Don created the Gap Foundation to help underserved youth in developing countries where Gap Inc. conducted business. Don was a renowned art collector and served on the San Francisco Museum of Modern Art's Board of Trustees. Before his death, Don announced a partnership with the museum that will allow its visitors access to his extensive private collection of contemporary art.

Doris and Don were instrumental to the founding of the KIPP (Knowledge Is Power Program) schools, a national charter school program based in San Francisco that has grown from 2 schools to more than 80 across the country.

Don was an early supporter and a Board member of the Presidio Trust. He was committed to the creation of a world class urban national park from this former military base, for use by neighbors as well as the world.

Don was a proud son of San Francisco, and his work for the common good is seen not just in these examples but in every corner of our city. However, he was proudest of his family, and his children and grandchildren will carry on his work. I hope it is a comfort to Doris, his three sons, his grandchildren, and the many others who loved him that so many are mourning his loss at this sad time.

DR. CHRISTIAN SIZEMORE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. GRAVES. Madam Speaker, it is with great pleasure that I rise today to recognize the outstanding service of Dr. W. Christian Sizemore of Liberty, Missouri. Dr. Sizemore has been awarded the Alexander Doniphan Community Service Award. Dr. Sizemore has carried on Doniphan's legacy through a lifetime of service in the areas of higher education, healthcare and economic development.

Dr. Sizemore is a distinguished leader in higher education. He has served as president of three colleges, most recently serving as Chancellor of William Jewell College. His commitment to excellence in areas such as curriculum design, development of library and information science programs and capital campaigns has paved the way for future generations of students to meet the challenges of tomorrow.

Dr. Sizemore has also been long-involved in healthcare, having supervised nursing programs at three colleges. He is responsible for a physician's assistant program and led the development of the nation's first post-baccalaureate physician's assistant master's degree program.

Dr. Sizemore has also been extremely committed to furthering economic development in his community. He is currently the Director of Business Expansion for the Clay County Economic Development Council. He has served as a board member and officer in numerous chambers of commerce. He has also led the fund drive for Liberty's 175th Anniversary History Book and is the co-chair of the steering committee that built Freedom House, a facility that houses non-profit assistance agencies serving the Northland of Kansas City. Aside from his dedication to economic development, Dr. Sizemore has also served on countless boards within the community, including the Greater Kansas City American Red Cross and the North Kansas City Schools Community Partnership Advisory Board.

Madam Speaker, I ask that you join me in applauding Dr. W. Christian Sizemore for his selfless acts of generosity through volunteerism. I know Dr. Sizemore's colleagues, family and friends join with me in thanking him for his commitment to others and wishing him happiness and good health in his future endeavors.

A PROCLAMATION HONORING NCCM RICHARD E. THOMPSON

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. SPACE. Madam Speaker,

Whereas, Richard E. Thompson dedicated his life and career to serving the United States Navy and the country he loves; and

Whereas, Richard E. Thompson nobly sought to recruit patriotic and talented volunteers for service in the United States Navy; and

Whereas, Richard E. Thompson served notably as Leading Petty Office aboard the USS Fletcher DD-992 in Pearl Harbor;

Whereas, Richard E. Thompson served exceptionally as the Navy Recruiting Command's Career Recruiting Force Program Manager;

Whereas, Richard E. Thompson's accolades include three Navy Commendation Medals, 4 Navy Achievement Medals, 3 Meritorious Service Medals and a Military Outstanding Volunteer Award; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I applaud Richard E. Thompson for his distinguished record of service to the United States Navy and wish him well in his retirement.

PERSONAL EXPLANATION

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. CARNEY. Madam Speaker, on Wednesday, September 30, I deployed for active duty with my Navy Reserve unit. My deployment lasted through October 15 and I was unable to cast my vote on a number of recorded votes.

If I had been present, I would have voted: "Yes" on rollcall vote 743, "Yes" on rollcall vote 744, "Yes" on rollcall vote 745, "Yes" on rollcall vote 746, "Yes" on rollcall vote 747, "Yes" on rollcall vote 748, "Yes" on rollcall vote 749, "Yes" on rollcall vote 750, "Yes" on rollcall vote 751, "Yes" on rollcall vote 752, "Yes" on rollcall vote 753, "Yes" on rollcall vote 755, "Yes" on rollcall vote 756, "Yes" on rollcall vote 757, "Yes" on rollcall vote 758, "Yes" on rollcall vote 759, "Yes" on rollcall vote 760, "Yes" on rollcall vote 761, "Yes" on rollcall vote 762, "Yes" on rollcall vote 763, "Yes" on rollcall vote 764, "Yes" on rollcall vote 765, "Yes" on rollcall vote 766, "Yes" on rollcall vote 767, "Yes" on rollcall vote 768, "Yes" on rollcall vote 770, "Yes" on rollcall vote 771, "Yes" on rollcall vote 772, "Yes" on rollcall vote 773, "Yes" on rollcall vote 774, "Yes" on rollcall vote 775, "Yes" on rollcall vote 776, "Yes" on rollcall vote 777, "Yes" on rollcall vote 778, "Yes" on rollcall vote 779, "Yes" on rollcall vote 780, "Yes" on rollcall vote 781, "Yes" on rollcall vote 782, "Yes" on rollcall vote 784, "Yes" on rollcall vote 785, "Yes" on rollcall vote 786, "Yes" on rollcall vote 787, "No" on rollcall vote 788, and "Yes" on rollcall vote 789.

HONORING THE 90TH ANNIVERSARY OF THE MARQUETTE LIONS CLUB

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. STUPAK. Madam Speaker, I rise to recognize the Lions Club of Marquette, Michigan as it celebrates its 90th anniversary in the

community. Throughout its history the Lions Club has worked with city, county and state government to improve the lives of residents in Marquette and its surrounding areas. During its 90 years, the Club has made the needs of children and the health of residents across the Upper Peninsula top priorities, and has worked with the community on a wide range of projects.

In 1919, the Marquette Lions Club was the first Lions Club in Michigan to receive its charter. The club wasted no time in getting to work. In its first year the Club passed a resolution to establish a tourist camping ground, requested the city install street cobblestones to prevent the injury of horses and worked with members of the Marquette Rotary Club to support the Boy Scout movement.

Over the years the Marquette Lions Club has made the health and well being of children in Marquette and across the world a primary concern. Whether purchasing eye glasses for needy children in 1937, supporting Camp Sunnyside for mentally challenged youth in 1980 or holding fundraisers to allow a local family to be with their young child under going cardiac surgery in 2008, the Marquette Lions Club has given children throughout Northern Michigan a chance at a better life.

When Helen Keller proposed that Lions become Knights of the Blind at the National Convention of Lions in 1925, the Marquette Club began to recycle and purchase glasses for those in need. To date the club has recycled more than 150,000 eye glasses. The Club has continued this tradition championing causes such as Campaign SightFirst II to battle preventable blindness across the world. In 2007, the Club became the only model club in Single District 10 donating more than $14,000 to this campaign. The Club has also participated in joint state projects including Leader Dogs for the Blind and the Michigan Eye Bank.

Over the years the Club has worked with Operation Lollypop to inoculate children in the area with the polio vaccine and with the March of Dimes to fight polio and work with victims of the disease. The Club has also worked with the Upper Peninsula Diabetes Outreach Network to eradicate complications, including blindness, from diabetes as well as provided equipment and funding to support those with diabetes.

The Marquette Lions Club has supported the Salvation Army for over 50 years by ringing red kettle bells and donating to the food bank, has made financial donations to agencies providing services to the disabled and financially challenged, and has supported district projects including Northwoods Airlifeline, Teaching Family Homes and Bay Cliff Health Camp.

Madam Speaker, the Marquette Lions Club has been a leader in community and humanitarian service since receiving its charter in 1919. It has worked tirelessly to provide support and resources to those in need by embodying the Lions motto: We Serve! I ask Madam Speaker, that you and the entire U.S. House of Representatives join me in thanking the members of the Marquette Lions Club for their generous service and recognizing the Club on its 90th anniversary.

100TH ANNIVERSARY OF THE GIRL SCOUTS OF AMERICA

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. FRELINGHUYSEN. Madam Speaker, as we prepare to mark the 100th anniversary of the founding of the Girl Scouts of America, I rise in support of H.R. 621, the Girl Scouts USA Commemorative Coin Act.

On March 12, 1912 Juliette ''Daisy'' Gordon Low assembled 18 young girls from Savannah, Georgia, for a local Girl Scout meeting. Low assembled these girls for this first meeting with several goals in mind. She believed that all girls should be given the opportunity to develop, physically, mentally, and spiritually, while at the same time, bringing girls out of isolated home environments and into the open air. These original Girl Scouts hiked, went on camping trips, played basketball, learned how to tell time by the stars, and studied first aid.

Within a few short years Ms. Low's Girl Scouts idea would spread across the Nation. Today there are over 3.4 million Girl Scouts in the United States, and 236,000 troops or groups worldwide in more than 90 countries. The United States contains more than 50 million women who are Girl Scout alumnae. Girl Scouts became an American Institution on March 16, 1950 when it was officially chartered by the United States Congress.

Girl Scouts has a long and rich heritage within my Congressional district. The Morris Area Girl Scout Council was established in 1929 at their Jockey Hollow location in Mendham Township. In 2007 the Morris Area Girl Scout Council merged with two other northern New Jersey Councils to form the Girl Scouts of Northern New Jersey. Girl Scouts of Northern New Jersey has three offices including two within my Congressional District in Riverdale, and Randolph.

Madam Speaker, I ask my colleagues to join me in honoring the extraordinary achievements made by millions of Girl Scouts for nearly one hundred years.

TRIBUTE TO PHILIP L. BROWN, SR.

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. SARBANES. Madam Speaker, the State of Maryland and the American people lost a great educator and civil rights icon when Philip L. Brown Sr. passed away at his home in Annapolis, Maryland on October 16 at the age of 100. I rise to honor this man who was pivotal in the desegregation of our Nation's public schools. My heart goes out to his wife of over 77 years, Rachel; his sons Philip L. Brown Jr. and Errol E. Brown Sr.; his four grandchildren; his 10 great-grandchildren; and his six great-great-grandchildren during this very difficult time.

Philip L. Brown served as a teacher and administrator in the Anne Arundel County school system for more than 40 years. His commitment to civil rights began early in his career. In 1938, Mr. Brown and his wife, Rachel Hall Brown, formed the Colored Teachers Association which promoted equal pay for African American teachers. Their civil rights struggle helped change history in 1940 when Mr. Brown became part of a successful lawsuit seeking equal pay for Anne Arundel County teachers. This was one of several cases that laid the legal foundation for Brown v. Board of Education, the Supreme Court case that forced integration of our Nation's schools. Thurgood Marshall represented the teachers, arguing their case before a federal court in Baltimore.

Mr. Brown was born in Annapolis in 1909 and earned an elementary teacher's certificate in 1928 from the Bowie Normal School, now Bowie State University. He and his wife earned bachelor's degrees from Morgan State and master's degrees from New York University.

After his retirement in 1970, Mr. Brown wrote four books on the subject of African American history in Anne Arundel County.

Let us honor Philip L Brown Sr. as an educator and civil rights pioneer and for his determination in bringing about equality in America.

IN HONOR OF PETER CANCRO

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. PALLONE. Madam Speaker, I rise today to honor Peter Cancro and his exemplary service to his community. Mr. Cancro is the founder and CEO of Jersey Mike's Subs, a sandwich franchise with more than 400 stores open and under development nationwide. Based in Manasquan, New Jersey, Jersey Mike's has a long history of community involvement and support.

Peter Cancro began his sandwich franchise at the age of 17 when he purchased the sandwich shop he worked in during high school. Since then, he has expanded the store to the rest of the nation, and he has turned his humble sandwich shop into a profitable, nationwide franchise. Despite his title as CEO of the company, Mr. Cancro still enjoys jumping behind the counter to test his skills and demonstrate his passion for the product and the customer. He tries to instill this same passion into every Jersey Mike's store that he opens around the Nation.

Mr. Cancro has successfully spread his mission to bring customers the highest quality, freshest made sub in the industry and give back to the communities in which the company operates. In addition to delivering a quality product to customers around the nation, Mr. Cancro also actively contributes to his community. That is why he strongly encourages all of his employees at Jersey Mike's to become involved in their respective communities in order to build a more lasting relationship with their customers.

Madam Speaker, I sincerely hope that my colleagues will join me in thanking Mr. Cancro for his service to his community and to communities across the nation. His accomplishments will continue to benefit and inspire my constituents, as well as his many colleagues and friends for years to come.

A PROCLAMATION HONORING THE CUMBERLAND UNITED METHODIST CHURCH FOR ITS 200TH ANNIVERSARY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. SPACE. Madam Speaker,

Whereas, while remaining a pillar of faith in its community, Cumberland United Methodist has grown significantly from its initial parish; and

Whereas, Cumberland United Methodist has consistently and generously served those in need; and

Whereas, we acknowledge the varied community service projects and activities the Church sponsors throughout the year; now, therefore, be it

Resolved, that along with the residents of the 18th Congressional District, I congratulate Cumberland United Methodist for its 200 years of service to the community of Cumberland.

CALLING ON VIETNAM TO RELEASE IMPRISONED BLOGGERS AND RESPECT INTERNET FREEDOM

SPEECH OF

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. AL GREEN of Texas. Mr. Speaker, I extend my strong support to H. Res. 672, which calls on the Socialist Republic of Vietnam to release imprisoned bloggers and respect Internet freedom.

Since 2002, the Socialist Republic of Vietnam has enforced heavy surveillance of the internet activity of Vietnamese citizens. The U.S. Congress is aware that a number of internet bloggers and cyber activists have recently been arrested and imprisoned for exercising their inherent human right of freedom of expression. This matter, among others, is of grave concern to me, and more importantly, to the thousands of Vietnamese Americans that I represent.

Reporters Without Borders considers Vietnam one of 15 ''internet enemies'' and the OpenNet Initiative, a project of academic institutions including the University of Toronto, Oxford, Cambridge, and Harvard Universities, classifies Vietnam's online political censorship to be ''pervasive.'' In fact, an electronic communications decree issued by the Vietnamese government, that came into force in September 2008, states ''opposition to the Republic of Vietnam is forbidden.''

The freedom of expression, including the freedom to express one's views on the internet, is a necessary prerequisite for a healthy and vigorous democracy. Without free and open debate where citizens need not fear retaliation by government for the opinions they hold, a country foregoes the opportunity to harness the full capability of its citizens to advance social and economic development.

Along with my friend from California, Ms. SANCHEZ, I call on Vietnam to respect Internet freedom and allow the people of Vietnam to freely express their views. Moreover, I call upon Vietnam to immediately release imprisoned bloggers and political prisoners. To the Vietnamese government, the message we send today is that the United States will embrace you, but only when you embrace the inherent rights and freedoms of your people.

RYAN WHITE HIV/AIDS TREATMENT EXTENSION ACT OF 2009

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong support of H.R. 3792, the Ryan White HIV/AIDS Treatment Extension Act of 2009. Our state receives $75 million in federal Ryan White assistance which provides care to an estimated 10,000 people in the state.

People in Illinois depend on Ryan White Care programs for help with expensive antiretroviral drugs, to aid them in getting to and from the medical appointments, to prevent transmission from mother to child, and for continued access to dental services through the University of Illinois at Chicago. Throughout the year, I meet with Illinoisans whose lives have been changed because of these services and whose futures would be jeopardized without them. So I am pleased to see that the bill will result in a 4 year reauthorization that will allow states to continue their current programs without disruption to programs currently in operation. I am also glad that the draft continues the extension period for names-based reporting. Illinois is one of the states still transitioning from collecting surveillance data under a code-based system to a names-based system, and the state is grateful for the extended time.

I would also like to acknowledge the AIDS Foundation of Chicago and the many others in the Illinois HIV/AIDS community for being tireless advocates and unwavering resources for me and the 44,000 people living with HIV/AIDS in the state. We could not have accomplished this bill and other important pieces of legislation, like comprehensive health reform without their activism and community organizing.

We have come a long way since the start of the HIV/AIDS epidemic. Twenty years ago, someone was diagnosed as being HIV positive and people assumed it was a death sentence. The public was often misinformed about modes of transmission, and the science behind treatment was far more limited than it is today.

Unfortunately, a recent survey by the Kaiser Family Foundation found that the level of attention paid to HIV/AIDS awareness has declined rapidly. The percentage of the American people who say that they have seen or heard or read a lot about HIV/AIDS in the U.S. has fallen from 34% five years ago to just 14% today. The percentage of African Americans reporting has fallen from 62% to 33%.

The public's sense of urgency is down. And yet we learned earlier this year that 3% of the residents in the District are infected with HIV or AIDS, making D.C.'s rates higher than those in West Africa.

Our need to increase prevention efforts and raise awareness about the disease is no less important or any less urgent today than it was when the first cases were diagnosed in 1981. The Ryan White Care Act enables us to continue moving forward with prevention and treatment. I urge my colleagues to support this critical legislation.

IN RECOGNITION OF THE LIFE OF MR. CLIFFORD ''PETE'' TOMLIN

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. ROGERS of Alabama. Madam Speaker, I respectfully request the attention of the House to pay recognition to the memory of much-loved ''Bulldog,'' Mr. Clifford ''Pete'' Tomlin.

Mr. Tomlin died in September 2006 at the age of 42. He suffered from rheumatoid arthritis, but his ailment didn't stop him. Tomlin was named the Calhoun County's Outstanding Handicapped employee of the Year in 1989. Tomlin served as the voice behind the Anniston High School Bulldogs including the varsity, junior varsity and junior high football games for both WHMA and WAMA radio stations in Anniston, Alabama.

Although Mr. Tomlin is sorely missed, he would be proud today to know the Press Box at Chink-Lott Stadium of Anniston High School will now proudly bear his name. Mr. Tomlin will always be remembered as the voice behind the football games at his alma mater and this great honor will help keep his spirit alive.

A TRIBUTE TO MR. WILLIAM MURPHY III

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. McINTYRE. Madam Speaker, I rise today to pay tribute to Mr. William Murphy III, of Wilmington, North Carolina, for his commitment to his community and as a dedicated man of public service. As a long-serving youth coach and a retired director at the Martin Luther King Jr. Community Center, he was an irreplaceable mentor for many inner city youth in his community. He was also a devoted family man and dear friend. Murphy passed away on October 18, 2009, and he will be dearly missed.

Driven by a strong love for his community and a deep investment in its youth, Mr. Murphy coached numerous sports during his lifetime, and most recently served as the head coach of the Wilmington Tigers minor league football team. In this capacity, Mr. Murphy was a valuable leader and role model, who pushed young athletes to achieve things they never thought possible and worked to shape their senses of integrity, character, discipline, and teamwork.

As a co-founder and Co-Chairman of the Congressional Caucus on Youth Sports, and as a former coach of over 130 young people in three different sports over 7 years, I have a deep, personal respect for Mr. Murphy's

dedication to this cause. Over several decades, he has taught hundreds of youth and adults in the Wilmington area valuable lessons and skills that have made meaningful and lasting impact on their lives, and our community will always remain grateful.

Madam Speaker, may we never forget the goodness, humility, and character that defined the life of William Murphy. May God continue to bless his wife, Audrie, his five children, Portia, Glenda, William, Torey, Russell, and all of his loved ones, the work he did, and the greatness that he inspired within all who knew him.

PERSONAL EXPLANATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mrs. EMERSON. Madam Speaker, on rollcall No. 783 and rollcall No. 784 regarding the Homeland Security Fiscal Year 2010 Appropriations Conference Report, I am not recorded (because I was absent for my step daughter's wedding.) Had I been present, I would have voted ''aye'' on rollcall No. 783 and ''aye'' on rollcall No. 784.

A PROCLAMATION HONORING DREW GOODING FOR WINNING THE AMERICANISM ESSAY WRITING CONTEST

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. SPACE. Madam Speaker,

Whereas, Drew Gooding won the Elks Grand Lodge essay writing contest, demonstrating a mastery of thought and word; and

Whereas, he has shown to take interest in upholding the values that make us a free nation; and

Whereas, Drew Gooding is honored for his patriotism and excellence in writing and; now, therefore, be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend and thank Drew Gooding for his contributions to his community and country.

VOTES ON THURSDAY, OCTOBER 15 AND PRESIDENT BARACK OBAMA'S VISIT TO NEW ORLEANS

HON. STEVE SCALISE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. SCALISE. Madam Speaker, on Thursday, October 15, 2009, I was unable to cast votes in Congress due to my attendance at President Barack Obama's visit in New Orleans to discuss Hurricane Katrina related recovery issues.

It is critical that President Obama stand firm by his commitment to rebuild the Gulf Coast from the destruction caused by Hurricane Katrina. There are several top priorities for which I personally requested the President's direct assistance including his explicit support for Category 5 hurricane protection, including strengthening our levees, improving our interior drainage protection, and rebuilding our eroding coastline. Category 5 protection is vital to the safety of Louisiana's families and to the full recovery of our region. The Corps of Engineers must make a full commitment to move forward with the safest and strongest plan to provide our communities with comprehensive flood and storm protection, and the President's support of the Louisiana Congressional delegation's efforts to achieve this goal is critical to our successful recovery. Coastal restoration is an essential component of our flood protection efforts, as Louisiana loses about 25 square miles of coastline each year. These wetlands provide a natural buffer to protect us from storm surge, and without them, the potential for loss of life and property damage increases significantly with each approaching storm. It is important that the Administration and Congress work together expeditiously to make significant investments in coastal restoration efforts.

While much has been done since Katrina to help restore the region, bureaucratic red tape remains a major hurdle to a successful recovery and continues to slow down our recovery and impair the abilities of our State and local governments to serve our citizens and respond to future disasters. If we have learned anything since Hurricane Katrina, it is that we cannot allow the same approach that failed us during Katrina to be followed again. FEMA must continue to work with our Congressional delegation and officials in Louisiana to expedite our recovery. During the town hall meeting, President Obama was asked to resolve the delays in our recovery, particularly with regard to Public Assistance projects and Community Disaster Loans, and to ensure that other states and communities do not have to face these challenges with future disasters.

There are too many lives and too much taxpayer money at stake to get it wrong again. I hope we will be able to continue discussing these efforts in the future and that this and future visits will help the President understand the very serious issues we are still facing.

IN HONOR OF MR. THOMAS PIGG

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to pay tribute to a true friend of the outdoors whose life was tragically cut short this summer.

Thomas Pigg, of Carlyle, Illinois, was an employee of the U.S. Army Corps of Engineers at Carlyle Lake for four years, and then at the Kaskaskia River Project for another three. He was an instructor at the Illinois Federation of Outdoor Recreation's Youth Skills Camp and was dedicated to exploring and preserving the natural treasurers of his native Clinton County, especially the Carlyle Lake recreation area. Tom believed that our natural resources should be enjoyed by all and he worked tirelessly to see that the young people of our community had the opportunity to visit and benefit from having such a magnificent site as Carlyle Lake in their back yard.

Tragically, Tom's life was cut short by an automobile accident in July. I extend my heartfelt condolences to his father and step-mother, Daniel and Bonnie; his mother and step-father, Candyce and Russel; his brothers, Andy and Wes; his sister, Katie; his step-brother, Corey; and the many members of his family and community who mourn his loss.

Tom's memory will live on at his beloved Carlyle Lake, however. This month, the Corps of Engineers will honor Tom's service and his devotion by dedicating a section of the lake as the Thomas M. Pigg Wetland Restoration Area. It is a fitting honor for a man who was taken from us too soon and it is a site to honor Tom's wish for future generations to enjoy our nation's wonderful natural resources.

PERSONAL EXPLANATION

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. PRICE of Georgia. Madam Speaker, on rollcall Nos. 790, 791, 792, 793, 794, 795, 796, 797, I was unable to record my vote due to a family illness.

Had I been present, I would have voted ''yes'' on all.

HONORING THE SERVICE OF MACK MARTIN BOYNTON

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. HILL. Madam Speaker, throughout his twenty-six year military career, Mack Martin Boynton was a leader among his fellow service men. Serving in the diving, salvage, and rescue operation, Mack developed many ways to streamline the repair of naval vessels. These techniques were able to save the country precious resources in the aftermath of the attack on Pearl Harbor. Thanks to his intellect and ingenuity, Mack became one of the youngest Warrant Officers in the Navy.

Mack continued his career as a member of the Underwater Demolition Team (UDT), a then newly-formed arm of the United States Navy. His commitment to service and dedication inspired others and led him to become one of the best recruiters for the UDT program. Mack continued his committed service through the Korean War, where he received the Bronze Star Medal and a commendation from Vice Admiral Joy for heroic action against the enemy. During his career he was involved in the early studies and implementation of the first Navy SEALs team.

With his sterling service record and considerable honors, Mack serves as an example of the caliber of individuals who we have the privilege of calling our servicemen. I am honored that Mack and his fellow Fifties Frogs have selected Clarksville, Indiana, to hold their annual reunion. When these heroic Americans convene their meeting here in Southern Indiana, we should pause, even if only for a moment, and give thanks to them for their contribution toward our freedom.

RYAN WHITE HIV/AIDS TREATMENT EXTENSION ACT OF 2009

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. HOLT. Mr. Speaker, I rise today to express my strong support for S. 1793, the Ryan White HIV/AIDS Treatment Extension Act.

We all know the troubling statistics. Since its inception, AIDS has claimed almost 600,000 lives in the United States. Over 1 million Americans are living with HIV/AIDS today. Recent data from the Center for Disease Control and Prevention (CDC) suggest that HIV diagnoses are increasing, by as much as 15 percent in three years. As the AIDS crisis has continued year after year, it has become more and more difficult for anyone to claim that AIDS is someone else's problem.

Since 1990, the Ryan White program has helped establish a comprehensive, community-based continuum of care for uninsured and under-insured people living with HIV and AIDS, including access to primary medical care, pharmaceuticals, and other services. In New Jersey, Ryan White funding helps support the state's AIDS Drug Assistance Program, which in 2008 provided almost 5,000 patients with needed HIV medications.

As we debate health care reform, it is important that we keep the needs of HIV/AIDS patients in mind. I have spoken out in favor of reforming Medicare Part D to work seamlessly with state AIDS Drug Assistance Programs and to ensure these patients have continuous access to their needed anti-retroviral prescriptions. These provisions are currently included in America's Affordable Health Choices Act, and I look forward to working with my colleagues to strengthen these policies for HIV/AIDS patients.

By passing S. 1793 today, Madam Speaker, we will affirm our commitment to people living with HIV/AIDS and their families. We also will be affirming our dedication to sound public policy. By reauthorizing the Ryan White Act, we will give hope and a real chance for a better life to thousands of HIV/AIDS victims.

THE FOURTIETH ANNIVERSARY OF SOUTH BAY FAMILY HEALTH CARE

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Ms. HARMAN. Madam Speaker, I rise to recognize the achievements of South Bay Family Health Care on the 40th Anniversary of its founding. Since 1969, SBFHC has provided health care to underserved residents in the South Bay region of my Congressional District, growing from a single-site family planning clinic serving 1,600 patients per year, to a system of four comprehensive health clinics serving more than 16,000 patients per year. Today, it is one of Los Angeles County's leading community health clinics and largest safety net providers to the uninsured and underinsured.

SBFHC has evolved and adapted to meet changing community needs. In the mid-1980s, in response to the emerging HIV/AIDS crisis, it opened the first and only HIV/AIDS center in the South Bay. In 2002, it changed its model from a free clinic to a Federally Qualified Health Center with a sliding pay scale, making the clinic eligible for federal funding to expand its services and the number of people served.

Today, with a budget of $9 million, SBFHC provides 70,000 visits per year. Its services cover a broad spectrum, covering preventative care, chronic disease management, prenatal and pediatric medicine, dental care, and social services including mental health and domestic violence prevention.

In an effort to bring service to patients, SBFHC sponsors a ''Healthy Kids Express'' mobile care center that provides immunizations and care for sick children at local school districts, community events and health fairs.

SBFHC also does fantastic work for minorities: 65 percent of their patients are Latino and 16 percent are African-American.

I also want to recognize the CEO of SBFHC, Jann Hamilton Lee, for her leadership and guidance to me as a member of my Medicine Cabinet—a bipartisan group of healthcare experts from my district who advise me on health policy.

My congratulations to Jann and everyone else who has proudly served the South Bay Family Health Center for 40 years of service. The residents of the South Bay—and your representative in Congress—are grateful.

HONORING THE 100TH ANNIVERSARY OF ST. LAWRENCE PARISH IN LAWRENCEVILLE, ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to commemorate the 100th anniversary of the St. Lawrence Parish in Lawrenceville, Illinois. On October 18, 2009, a centennial liturgy was celebrated with Bishop Edward K. Braxton acting as the celebrant and homilist. A dinner was held after the service to honor the event.

On July 20, 1909, local Catholics met at Lawrenceville City Hall hoping to form their own parish. After land was purchased, 22 families celebrated the first mass in the unfinished church. Ruth August Diver was the first parishioner to be baptized in the new church on March 5, 1911. The finished church was dedicated in October of 1911. The parish has continued to expand, including the opening of a school in 1956.

I would like to congratulate the members of St. Lawrence Parish for reaching this milestone and wish them a blessed and joyous celebration as they mark 100 years of service to God and their community. I want to encourage the parish with the words of Matthew 5:16; ''Just so, your light must shine before others, that they may see your good deeds and glorify your heavenly Father.''

TRIBUTE TO JIM LIPTAK

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. McCARTHY of California. Madam Speaker, I rise today to honor Jim Liptak, a resident and community leader from Paso Robles, California, for his outstanding and exemplary leadership while serving as the 2009 President of the California Association of REALTORS®.

Jim has been a longtime successful leader in local real estate matters, reflecting immense enthusiasm, care, and commitment to his community. He has served the Paso Robles Association of REALTORS® in all levels of leadership and has served two terms as President since being named Realtor of the Year five times by his peers at the Paso Robles Association of REALTORS®.

Jim has also ably represented Paso Robles realtors and the Paso Robles community in the state and national association. He started his career in 1983 as a California Association of REALTORS® (C.A.R.) Director, winning an election for the position as a ''Write-in Candidate.'' He has since served as Chair on over 5 committees and was a 1995 Chairman of the California Association of REALTORS® Legislative Committee, where he holds the record for most bills introduced in a single session, 17. In 1998 he became the Honorary Director for Life in the California Association of REALTORS®, and is the first realtor in Region 31 of the Central Coast to be named a National Association of REALTORS® Director. Since 2006, Mr. Liptak has been an Honorary Life Member by the Paso Robles Association of REALTORS®, and is a ''National Ten Year Golden R'' Member—President's Circle.

A true mark of leadership is the generosity of time and talents that one gives on behalf of his neighbors and communities. Jim Liptak exemplifies this time-honored tradition. I commend Jim for his service and leadership as President of the California Association of REALTORS® and wish him and his family well as he continues to serve our community.

RYAN WHITE HIV/AIDS TREATMENT EXTENSION ACT OF 2009

SPEECH OF

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. TOWNS. Mr. Speaker, I rise today in support of House Resolution 3792, The Ryan White HIV/AIDS Treatment Extension Act of 2009. Nearly twenty years after the enactment of the landmark Ryan White Act, Congress renewed its commitment today to provide primary medical care and treatment for uninsured or underinsured people living with HIV/AIDS. For nearly two decades, low-income Americans living with HIV/AIDS have relied on the life-saving benefits offered under this program and I am pleased to join my colleagues in reauthorizing this important legislation.

Currently, New York State is home to 120,000 individuals living with HIV/AIDS—the

second highest rate of reported AIDS cases in the nation. That number includes 25,000 people who reside in Brooklyn. The Ryan White Act has been, and continues to be, a lifeline for those New Yorkers and Americans living with HIV/AIDS.

As medical costs continue to rise, the reauthorization comes at a critical time. It provides for an important five percent increase across every category of funding. Additionally, several new provisions included in the bill focus on reducing the disparities in access to health care among racial and ethnic groups who are disproportionately affected by the virus.

By passing the Ryan White HIV/AIDS Treatment Extension Act of 2009 yesterday with an overwhelming majority we not only restored a sense of hope and dignity for those dealing with the everyday struggles of this disease, but we also demonstrated our nation's steadfast commitment to ensuring that 1.1 million people living with HIV/AIDS have access to quality care and treatment.

RECOGNIZING DR. CHARLES ANTZELEVITCH

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. ARCURI. Madam Speaker, I rise today in recognition of Dr. Charles Antzelevitch for his 25 years of service as executive director and director of research at the world renowned Masonic Medical Research Lab (MMRL) in Utica, New York.

Dr. Antzelevitch truly embodies the American dream. After immigrating to this country from Israel as a child, he worked as a cab driver in New York City and put himself through college before earning a doctorate at SUNY Upstate Medical. From there he went on to do his post doctoral work at MMRL, eventually becoming a Gordon K. Moe Scholar and Professor of Pharmacology at SUNY Health Science Center in Syracuse, New York. Dr. Antzelevitch has distinguished himself as an award-winning scientist, editorial board member of several leading medical journals and member of numerous national medical research committees.

Under the exceptional leadership of Dr. Antzelevitch, MMRL has excelled in its mission to improve the health and quality of life for all humankind through its discovery of genetic mutations responsible for Brugada syndrome, Long QT syndrome which is linked to sudden infant death syndrome, Short QT syndrome which is linked to sudden cardiac death syndrome, and many other cardiac-related syndromes and illnesses.

An internationally renowned authority in the field of biomedical research, Dr. Antzelevitch has received too many awards and honors to enumerate. His contributions to scientific literature include 310 original papers and book chapters, over 250 abstracts and four books. MMRL, often referred to as a ''gem in the crown'' of Utica, is widely recognized as one of the top research laboratories in the world working on cardiac arrhythmias.

Other initiatives of Dr. Antzelevitch and MMRL, which include free screenings and four educational programs, demonstrate an unparalleled commitment to our local community. MMRL hosts a summer fellowship program and welcomes undergraduate, predoctoral and postdoctoral students, as well as the wider scientific and medical community, to use the lab's extensive library for research and reference.

Madam Speaker, I call on my colleagues to join me in honoring Dr. Antzelevitch for his distinguished 25-year career at MMRL and his ongoing service to our community. He is a father, mentor and friend to all who know him, and I wish him many more years of success and prosperity.

HONORING NAPA VALLEY HORSEMEN'S ASSOCIATION OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today to honor the Napa Valley Horsemen's Association on the occasion of their 70th anniversary. NVHA was organized by a dedicated group of horse lovers to promote horses as a form of recreation in the Napa Valley. On October 17th, 2009, the Association is celebrating this milestone at their clubhouse in Southwest Napa.

The Horsemen's Association has a long and storied history. NVHA held its first meeting on October 11, 1939, at the Napa Fairgrounds in the Home Economics Building. From there the club grew to 82 charter members by January 1940. On November 19, 1939, the club held its first event, consisting of races, roping, horsemanship classes and jumping.

NVHA purchased the 32 acres at its present location on Foster Road in Napa in 1948. The site was a working dairy, and upon purchase the club members refurbished the milking barn to operate as a clubhouse and spent the next few years holding fundraisers to build the arenas and horse barns.

NVHA has been involved in supporting local equestrian events throughout its history and continues to do so today. The club boasts members who participate in all disciplines of riding, along with many members who simply enjoy horses. In addition to offering numerous shows, cattle events and speed events, NVHA also hosts educational clinics aimed at improving training, feeding and the keeping of local horses. In recent years, NVHA has partnered with the Bureau of Land Management to host adoption events for mustangs and burros. The club boasts an active youth group and also gives out annual scholarships to four local high school students who are studying equestrian or agricultural topics.

Madam Speaker, it is appropriate at this time that we honor the Napa Valley Horsemen's Association's illustrious history and numerous contributions to equestrianism in the Napa Valley. The Association continues to improve and thrive today, and I commend past and current board members for their commitment to this cause.

RECOGNIZING MRS. MINNIE HILL McCLEASE

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. BUTTERFIELD. Madam Speaker, on October 25, 2009 friends and family will gather to honor Mrs. Minnie Hill McClease, a retired teacher who has had a tremendous impact on North Carolina's First Congressional District. On this special occasion, Mrs. McClease's loved ones will join her to pay special tribute to this extraordinary woman.

Born on December 17, 1908, Mrs. McClease will soon celebrate her 101st birthday. After graduating from State Normal High School in Elizabeth City, North Carolina, she earned a bachelors degree from Shaw University and later a masters degree from New York University.

Retiring on June 4, 1971 after 37 years, Mrs. McClease served as a mathematics teacher at Elizabeth City's P. W. Moore High School and at Northeastern High School. To this day, the Cooper/McClease Scholarship is presented in her honor annually at Northeastern High School to a student who excels in mathematics.

During her career, Mrs. McClease earned the respect of her students, fellow teachers and the entire community. She fully dedicated herself to teaching because she cared so very deeply about the education of children. And, as we all know, good teachers like Mrs. McClease make a remarkable difference in the lives of their students.

During her extraordinary teaching career, Mrs. McClease inspired countless students. She made an undeniable impression on every student, and many of them went on to do great things. Among her students were Superior Court Judge J.C. Cole, cardiologist Dr. Lindsey White, retired principal and Pasquotank County Commissioner Cecil Perry, Virginia Beach Health Director Dr. Venita Newby-Owens, retired U.S. Army General Hawthorn Proctor, cardiologist Dr. Kermit Brown, retired educator Eddie Davis and Elizabeth City-Pasquotank Public Schools Superintendent Linwood Williams. These accomplished people represent just a few of the many great students Mrs. McClease helped inspire to reach their full potential.

Mrs. McClease has also been a highly active member of Olive Branch Missionary Baptist Church.

Madam Speaker, I ask that my colleagues join me in recognizing Mrs. McClease. She is truly a remarkable person deserving of our deepest gratitude for the enormous contributions that she made in the lives of children in eastern North Carolina and to the entire community.

RECOGNIZING THE CONTRIBUTIONS OF THE SHERIFF'S OFFICE IN HAYWOOD COUNTY, NORTH CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. SHULER. Madam Speaker, I rise today to commend the Haywood County Sheriff's Office for their outstanding commitment to serving our community. With a population of more than 50,000 and over 550 square miles in the county, the 100 dedicated individuals in the Haywood County Sheriff's Office must maintain constant vigilance to ensure the safety of all those they serve.

Haywood County's Sheriff, Bobby Suttles, has done a phenomenal job since he assumed his post in early 2009. The previous Sheriff, Tom Alexander, served his community honorably for over 22 years. Sheriff Suttles began working with Sheriff Alexander and the Haywood County Sheriff's Office in 1995, joining the team as a deputy. His exemplary service led him to become Chief Deputy in 2003, and he was thus the natural choice when Sheriff Alexander retired in February of 2009. As a community, we look forward to working with Sheriff Suttles as he continues the remarkable legacy inherited from Sheriff Alexander.

The Haywood County Sheriff's Office has an extremely distinguished history in the community. They are able to react immediately to new and unexpected challenges. One of the most successful projects implemented by the Haywood County Sheriff's Office is a special squad of deputies called the Sheriff's Emergency Response Team which focuses on woodland operations, land navigations and man tracking. These skills are invaluable to other facets of the Haywood County Sheriff's Office, for example the Team has assisted the county's Drug Enforcement Unit with the service of high risk warrants and drug surveillance. The deputies on the Sheriff's Emergency Response Team undergo an additional sixteen hours of training per month and must maintain higher than average fitness standards. As this is a voluntary program, the deputies involved purchase much of the specialized equipment out of their own pockets, demonstrating their exemplary dedication and commitment.

In addition to their role as law enforcement professionals, the Haywood County Sheriff's Office also takes part in the Explorer Post program. This program affords young adults between 14 and 21 years of age access to community service projects that enable them to learn about the law enforcement profession. Participants have the opportunity to do ''ride alongs'' observing the work of deputies, participate in community fingerprinting, and take part in other events geared towards crime fighting and community involvement. Through this program they are also taught essential teambuilding and leadership skills.

Madam Speaker, I ask that my colleagues join me in support of the Haywood County Sheriff's Office and our dedicated law enforcement professionals across the country. Without these committed individuals, none of us would be able to enjoy the quality of life or the security we experience in our great Nation.

IN REMEMBRANCE OF MARIA LARRIUZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. TOWNS. Madam Speaker, I rise today to remember Maria Larriuz, a dedicated community servant and activist.

Maria Larriuz, born in 1934 and raised in Guayama, Puerto Rico, moved to New York in 1955 and married Angel Manuel Larriuz in 1958. They raised two children together: Angel Manuel Larriuz, Jr. and Bernice Burkarth.

Ms. Larriuz was an active leader in her community's trusted civic associations, contributing in a variety of roles to the New Lots Lions Club for the past 30 years and serving as secretary of the Homeowners Association, Inc. She was also a member of the Rosetta Democratic Club, helping District Leader Earl Williams at meetings, and served as a volunteer hostess for the inauguration of President Barack Obama earlier this year. Ms. Larriuz was also someone who championed breast cancer awareness and the high incidence of diabetes in her community.

Ms. Larriuz was honored on numerous occasions for her work, receiving the Melvin Jones Fellowship from the Lions Club and an award from the Knights of the Blind, and now rests eternally at the Pinelawn National Park with her loving husband who served our country.

Madam Speaker, I urge my colleagues to join me in remembering Maria Larriuz, whose extraordinary accomplishments will continue to be felt in her community for many years to come.

HONORING THE CONTRIBUTIONS OF RETIRED MONSIGNOR THOMAS A. DAVIS

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. CUELLAR. Madam Speaker, I rise today to recognize retirement of Monsignor Thomas A. Davis and his dedication and service as a Pastor and community leader in Laredo, Texas.

Monsignor Davis was born in Tipperary, Ireland on May 31, 1933 to Joseph and Brigid Davis. He has conducted missionary work and been involved with the Catholic Church for many years. More than a half a century has passed since Monsignor Davis began. He has spent his career in five different nations, driven by his devotion and humble beginnings. He will retire on October 28, 2009.

He began his career in 1954 in Ireland and would spend six years in a Monastery. Thereafter, he would spend another six years at St. Kieran's Seminary in Ireland. In 1968, he was ordained for the Diocese of Corpus Christi, Texas. In the years following his ordainment, he earned his Masters in Education Degree from Our Lady of the Lakes College in 1974. The next few decades, he continued faith-based and Church involvement in Robstown, Texas to Arteaga, Mexico to help communities and churches. His work would continue as his passion with his faith grew stronger. His contributions to Laredo, Texas have proven monumental for the community, spending a total of 31 years at San Agustin Church, Mother Cabrini Church, and Saint Patrick's Church.

In 2003, Msgr. Davis established the Perpetual Adoration Chapel at St. Patrick's Church, which ensures Laredo residents have a place to go in times of need at any hour. This chapel is the only one of its kind in the area and is a great contribution to the efforts of the church and outreach.

Madam Speaker, I am honored to have had the time to recognize the faith and dedication of Monsignor Thomas A. Davis.

RYAN WHITE HIV/AIDS TREATMENT EXTENSION ACT OF 2009

SPEECH OF

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Ms. WATERS. Mr. Speaker, I rise to support the Ryan White HIV/AIDS Treatment Extension Act of 2009, which reauthorizes the Ryan White HIV/AIDS Program for four years. The Ryan White program provides critical funds to cities, states and non-profit organizations for medical treatment and support services for people living with HIV and AIDS. The program currently serves more than 500,000 HIV-positive low-income people throughout the United States, many of whom would not be alive today without it.

The continuing need for the Ryan White Program cannot be overstated. According to the Centers for Disease Control and Prevention, there are more than 1.1 million people living with HIV/AIDS in the United States today, and every 9½ minutes, another person is infected.

Racial and ethnic minorities continue to be severely impacted by HIV/AIDS. African Americans account for 49% of new AIDS diagnoses, and Hispanics account for 19%. All minority groups combined represent 65% of new HIV infections, 67% of people living with HIV/AIDS, 71% of new AIDS cases, and 70% of deaths caused by AIDS.

Eleven years ago, in order to address the disproportionate impact of HIV/AIDS among minorities, I worked with my colleagues in the Congressional Black Caucus and the Clinton Administration to develop the Minority AIDS Initiative. This initiative provides funds to community-based organizations in order to build their capacity to serve minority communities and deliver culturally and linguistically appropriate care and services.

This bill recognizes the disproportionate impact of HIV/AIDS among minorities and reauthorizes key provisions of the Minority AIDS Initiative. The bill requires the Government Accountability Office (GAO) to report on activities under the Minority AIDS Initiative across governmental agencies and identify best practices in capacity-building. It also requires the Department of Health and Human Services to prepare a plan for the use of Minority AIDS Initiative funding, taking into consideration the GAO report.

I thank my good friend Delegate DONNA CHRISTENSEN, along with the other Members

and staff of the Energy and Commerce Committee, for consulting with my office on the reauthorization of the Minority AIDS Initiative, and I appreciate all of their work on this bill.

I urge my colleagues to support the Ryan White HIV/AIDS Treatment Extension Act of 2009.

RECOGNIZING THE RETIREMENT OF THOMAS J. ORLOFF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. STARK. Madam Speaker, I rise to congratulate and honor Thomas J. Orloff on his recent retirement as district attorney of Alameda County. A third generation resident of Alameda County, his 15 years as district attorney capped an extraordinary career of 40 years of service as a prosecutor on behalf of the people of both Alameda County and California. Mr. Orloff joined the Alameda County District Attorney's office in 1970 after graduating from the University of California's Boalt Hall School of Law. He distinguished himself as a trial lawyer, prosecuting many high profile cases including leaders of the Black Panthers and the notorious BGF prison gang. In addition to his trial prosecutions, Mr. Orloff served in many supervisory and administrative capacities including 5 years as the chief assistant district attorney.

Tom Orloff was elected district attorney, without opposition, in June 1994 and has been re-elected in June 1998, June 2002, and in June 2006, all unopposed. During his tenure, he established special units to emphasize prosecutions of domestic violence, stalking, gang violence, real estate fraud, and abuse of the elderly while expanding ongoing efforts to combat public assistance fraud, sexual assault and consumer and environmental crimes. Unlike most elected district attorneys, Tom recently personally tried and obtained the conviction of a street gang member who murdered San Leandro police officer Dan Niemi.

In addition to his work in Alameda County, Tom has given his time to the California and national prosecutors associations, serving as president and on the board of directors of the California District Attorney's Association and as a member of the board of directors of the National District Attorney's Association. Among many legal honors, he has been selected as a Fellow in the American College of Trial Lawyers. Active in Alameda County as well, Tom has for many years served on the board and as treasurer of the One Hundred Club which provides financial support to the survivors of Alameda County police officers and firefighters who are killed in the line of duty and on the advisory board of the Boys and Girls Club of Oakland.

Most importantly, I would like to commend Tom Orloff on his stewardship of the finest prosecutor's office in the country. Every day, since taking office in January 1995 Tom sat down behind the same desk Earl Warren used when he served as Alameda County District Attorney from 1925–1939. He proudly displayed on his office wall a framed indictment signed by both Warren and another Thomas Orloff, Tom's grandfather, then the foreman of the Alameda County grand jury. As only the fifth Alameda County District Attorney since Warren, Tom has guided a prosecutor's office that has seen remarkable stability and has been characterized by its innovation, creativity, and remarkable commitment to the highest ethical standards.

Prosecutors are the only lawyers who are ethically bound to serve two masters. The public prosecutor, as Justice Sutherland put it in his United States Supreme Court opinion: "is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor—indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one." (Berger v. United States (1935) 295 U.S. 78, 88.)

Like Earl Warren and the four others who separate them, Tom Orloff has demonstrated a profound, personal commitment to the ethical administration of justice. More than anything else, this commitment, on the part of the elected district attorney, to ethics in criminal prosecution sets the Alameda County District Attorney's office apart from the rest. I know that Tom, while proud of his many personal accomplishments, takes his greatest pride and satisfaction in the office of the Alameda County District Attorney. In public life we are all too often confronted with many whose sole purpose in seeking or attaining public office often seems to be self-aggrandizement. Tom is that rare public servant who truly has served the public and who has put the interest of his office ahead of his own.

Tom has demonstrated courage and independence in making many hard and occasionally unpopular choices during his tenure as district attorney, authorizing the prosecution several years ago of several officers of the Oakland Police Department, known as the "Riders" who were accused of a variety of crimes including robbing, kidnapping and framing street-level drug dealers. Most recently, Tom filed murder charges against a Bay Area Rapid Transit police officer who shot and killed a BART passenger. The shooting was videotaped and received a very high level of publicity. This is reportedly the first murder charge lodged against an on-duty police officer in California history.

It should come as no surprise to learn that Tom Orloff has long led the way in hiring women and minority lawyers. Under his watch, and due to his personal commitment, the Alameda County District Attorney's office is now one of the most diverse prosecutor's offices in the country—a special challenge considering the debt most minority law school graduates carry and the small salaries starting prosecutors earn.

One of Tom's former colleagues wrote, many years before she became an associate justice of the California Supreme Court, "If our nation of laws is to remain both strong and free, we must have system of criminal justice in which every citizen can have confidence. The weight of maintaining this confidence falls on the shoulders of those lawyers who walk into court to represent the People. It is, as it should be, the highest calling of an American advocate." (Carol Corrigan, On Prosecutorial Ethics (1986) 13 Hastings Constitutional Law Quarterly 537.)

I have known Tom Orloff for many years. In the time he has served as Alameda County's district attorney he has given me the highest confidence that the administration of criminal justice in Alameda County was in the most capable hands possible. To me, he epitomized the prosecutor who always sought justice first. In determining whether to initiate criminal charges he always made what he felt was the right decision, not the popular decision. In the trial courtroom, he fought hard and he fought fair. More importantly, he instilled that ethic in all of his prosecutors. As a result, I share with the citizens of Alameda County an enduring and deeply felt confidence in the work of our criminal justice system. I wish Tom and his wife Pam a long, healthy and productive retirement.

HONORING ALAN H. JEPSON ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Ms. DELAURO. Madam Speaker, I could not be more pleased than to have this opportunity to rise today to pay tribute to a dear friend and outstanding member of the Milford community, Alan H. Jepson. I am proud to join family, friends, colleagues, and community leaders in thanking him for his many years of dedication and commitment as he celebrates his retirement from public life. It is difficult to put into words what Alan means to the Milford community—he is one-of-a-kind.

Alan is a rare individual who has dedicated a lifetime to public service. He bravely left high school after just three years to join the Navy during World War II and proudly served for two years, eight months, and twenty-four days. Upon his return from military service, he went back to high school, earned his diploma, and completed his college degree under the original GI Bill—in just three years, eight months, and twenty-four days. His first professional experience was as the Director of the Junior Achievement Program in Lynn and Salem, Massachusetts. It was this calling that brought him back to Connecticut in 1956 when he became Director of Junior Achievement for the City of New Haven. Moving his family to Milford, Connecticut, it was shortly later that Alan would begin his more than forty years in civic service.

In 1960 Alan was appointed as the Director of the Citizens' Action Commission where he worked with the City of New Haven in connection with the federal requirement of urban renewal. It was through this work that his interest in government, politics and eventually elected office was sparked. In 1962 he found himself chairing a charter revision commission for the City of Milford which required that he work with both Democrats and Republicans to accomplish. Just a year later he ran and was

elected Mayor of Milford—a post which he held for six years. Today, Alan is retiring after serving seven terms as the Town City Clerk—an elected office for which it is said he now runs unopposed out of sheer respect and the knowledge that no one else can truly compete. His years of service to the City of Milford have earned him the respect, admiration, and esteem of his colleagues on both sides of the aisle.

Alan's commitment to civic service extends far beyond his professional contributions. He has volunteered countless hours to innumerable service organizations. Alan is the former president of the Milford Rotary, has served as a United Way campaign worker as well as on the board of directors of the local Red Cross, and is a former First President of Milford Progress, Inc. Alan was also very involved with the local Boy Scouts where he served as a Volunteer Merit Badge Counselor and instituted Boy Scout Civic Day and Girl Scout Civic Day to promote civic pride and government studies. Alan can also be found giving his words of wisdom as ''Uncle Sam'' at the annual ''Let Freedom Ring'' bell ceremony on July 4th and volunteer reading at Milford public schools. And the list goes on. Alan Jepson is a reflection of all that we hope and expect community leaders to be. The City of Milford would not be the same without him so it was a fitting tribute when he was officially named and honored as a ''living treasure.'' Alan's retirement marks the end of an era for the Milford community.

I am so proud to call Alan my friend. He and his late wife, Betty—a remarkable woman herself, welcomed me to their community with open arms and I will forever be grateful for their many years of special friendship and support. It is my privilege to stand today and extend my deepest thanks and appreciation to Alan H. Jepson and to wish him, his five daughters; Linda, Susan, Margo, Nancy, and Paula, as well as his eight grandchildren, three step-grandchildren, and three great-grandchildren all the best for many more years of health and happiness.

RYAN WHITE HIV/AIDS TREATMENT EXTENSION ACT OF 2009

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. RANGEL. Mr. Speaker, I rise to praise the passage of S. 1793, the Ryan White HIV/AIDS Treatment Extension Act of 2009. On behalf of the hundreds of thousands of people with HIV/AIDS who rely on the Ryan White Program, I would like to express my appreciation to the Committee on Energy and Commerce and to the Members of the U.S. House for having voted in favor of extending this important program for four more years. The Ryan White Program is the largest federally funded program for people living with HIV/AIDS. It funds programs to improve availability of care for low-income, uninsured and underinsured people with HIV/AIDS, and it provides funding and technical assistance to local and state primary medical care providers, support services, healthcare providers, and training programs.

HIV/AIDS is one of the fastest expanding epidemics in the United States, affecting more than 1 million people in the country. Over 530,000 low-income people with HIV/AIDS depend on the services provided through the Ryan White program. In my home of New York City, as of June 30, 2008, 104,234 people have been diagnosed and reported to be living with HIV/AIDS, including 63,899 living with AIDS. There are approximately 32,000 people living with HIV/AIDS in New York City that use Ryan White Part A services for medical treatment, support services, and other care that they would not otherwise be able to afford. People with the disease and care providers will benefit greatly from the extension of this program. There is a growing demand for these services because of the increase in infected people; I am pleased that this bill includes an increase in the authorization level for the program by 5 percent every year for the next four years.

The bill passed with strong support from both parties, in a 408 to 9 vote, and it will now go to the President's desk for signing into law. This is a great accomplishment.

Again, I am pleased that this great body understands the importance of this program and will fund it for another four years, but let us please keep in mind that more still needs to be done to end this pandemic.

A TRIBUTE TO DEPUTY CHIEF DAVID P. BARRERE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Deputy Chief David P. Barrere.

David Barrere began his career in law enforcement as a Patrol Duty Officer at the 63rd Precinct in Brooklyn, New York on April 25, 1990. He then was assigned to the 32nd Precinct in Harlem as a Patrol Supervisor in 1994, and subsequently as a Sergeant and a Lieutenant at the 75th Precinct for three additional years.

David Barrere was promoted to Captain in 1999, and served as Captain and Executive Officer of the 67th Precinct before his promotion to Commanding Officer of the 76th Precinct in Red Hook, Brooklyn. He continued his remarkable progression through the ranks of the New York Police Department in 2002 when he was assigned as Commanding Officer of the 114th Precinct in Astoria, Queens, where he was later promoted to Deputy Inspector and then to Inspector. In September 2005, he returned to Brooklyn to command the 75th Precinct.

Today, he serves as the Commanding Officer of the Central Robbery Section, where he was again promoted to Deputy Chief. Chief Barrere is currently writing his thesis in Criminal Justice while studying at Long Island University. He also graduated from the Police Management Institute at Columbia University.

Chief Barrere and his wife Patricia of 15 years are the proud parents of three children: Kristina, Jennifer, and David.

Madam Speaker, I urge my colleagues to join me in recognizing Deputy Chief David P. Barrere for his extraordinary record of service to New York's 10th Congressional District and to New York City at large.

PERSONAL EXPLANATION

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. POMEROY. Madam Speaker, on October 13, 2009, due to flight delays, I missed rollcall votes Nos. 772, 773, and 774. Had I been present, I would have voted in the following manner: rollcall No: 772—''yea''; rollcall No: 773—''yea''; and rollcall No. 774—''yea.''

RYAN WHITE HIV/AIDS TREATMENT EXTENSION ACT OF 2009

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. LANGEVIN. Mr. Speaker, I am pleased to rise in support of S. 1793, the Ryan White HIV/AIDS Treatment Extension Act.

There are nearly 40,000 new HIV/AIDS infections reported each year, and according to the Centers for Disease Control and Prevention approximately 1.1 million Americans are currently living with the disease. While contracting the HIV virus used to be considered a death sentence in our society, significant medical advances over the past 20 years have turned it into a very treatable condition. Today, many individuals with HIV are living long, happy and productive lives, but there are also many among us who don't have the means to access life-sustaining treatments and social supports.

The Ryan White HIV/AIDS Program was originally enacted in 1990 to provide HIV-related health services to those without sufficient health coverage or financial resources to cope with the disease. Last year, Rhode Island received approximately $7.2 million in funding and supplied 2,800 people with access to primary medical care and case management services, including $4.3 million in vital medications.

The bill before us today will authorize the continuation of this very successful program through FY 2013—including emergency relief, comprehensive care and early intervention programs. It will give our local, state and community partners the resources necessary to continue providing compassionate care for individuals living with HIV/AIDS. I strongly support this bill and urge my colleagues to vote in favor of its passage.

OCTOBER: DOMESTIC VIOLENCE AWARENESS MONTH

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. REICHERT. Madam Speaker, the month of October is recognized around this country as ''Domestic Violence Awareness Month'' and

I rise today to urge this House to continue advocating for victims of domestic violence and to continue the fight against domestic violence.

According to the National Coalition Against Domestic Violence, a non-profit organization working tirelessly and cooperatively against the scourge of domestic violence, an estimated 1.3 million women are victims of physical assault by an intimate partner each year. One in four women will experience domestic violence in her lifetime and, at this point, one in six have already experienced an attempted or completed rape. I spent 33 years of my life in law enforcement, often on the front lines combating acts of domestic violence. During that time, I saw many horrific things. I have seen lives end, communities shattered and families torn apart due to domestic violence. The human cost of domestic violence in this country is astronomical. It touches lives in big cities, small towns and everywhere in between. Domestic violence knows no boundaries.

Violence is often a destructive cycle. A boy who witnesses acts of violence between parents or caretakers is twice as likely to become a perpetrator of domestic violence as an adult. Even worse, children who witness abuse and are themselves abused are even more prone to acts of domestic violence in adulthood. Generations of Americans have failed to break this terrible cycle of violence and even more alarmingly, many of those same Americans refuse to properly identify acts of domestic violence and seek help or protection. I ask the members of this House to remember these facts throughout this month and to please do everything in their power to combat domestic violence in congressional districts across the country. Support the National Coalition Against Domestic Violence and other like minded organizations. Support local law enforcement. Support community organizations like the Boys & Girls Club and churches. Urge your constituents to be mindful of the devastating effects of domestic violence.

Domestic violence is debilitating to families, communities and the United States as a whole and is entirely preventable. Every day, we have the opportunity to remind our constituents and our families to work together to rid our communities of domestic violence. As we make progress and fight against this injustice within, we must stay vigilant.

A TRIBUTE TO ED McBRIDE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor my dear fiend, Ed McBride. After I was appointed to the Chair of the House Administration Committee, our colleagues nicknamed me the ''Mayor of Capitol Hill.'' Since he became a manager in the Government Relations Department in 1991, Ed has been known as Mayor of PECO.

Ed McBride started working at PECO on September 15, 1969 as a Transportation Mechanic. For those of us in government, and for the people we serve, Ed is PECO. He acts as a voice for the customers within the company and as a voice for the company and its employees in the community.

Madam Speaker, Ed McBride is the consummate professional. He is also a gentleman in every sense of the word. I'm proud to say that Ed is my colleague, my constituent and my friend. I ask every Member of Congress to join me in honoring his 40 years of service today.

RYAN WHITE HIV/AIDS TREATMENT EXTENSION ACT OF 2009

SPEECH OF

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. CAPUANO. Mr. Speaker, I rise today in support of S. 1793 the Ryan White HIV/AIDS Treatment Extension Act of 2009. This important bipartisan bill reauthorizes a program that has provided some of the most critical services to our country's most vulnerable populations for nearly two decades.

As you know, according to the CDC, approximately 1.1 million Americans are currently living with HIV/AIDS. While we have made tremendous strides in the treatment of HIV, prolonging and improving the lives of those with the disease, the need for funding to provide treatment to all those living with HIV/AIDS has, accordingly, greatly increased.

Furthermore, this epidemic has had an alarmingly disproportionate impact on communities of color. African Americans account for roughly 50% of HIV/AIDS diagnoses and Hispanics/Latinos 18 percent. We must properly address this troubling disparity and continue to work for improved access and treatment for racial and ethnic minorities living with HIV/AIDS.

The Ryan White HIV/AIDS Program offers a comprehensive, cost-effective solution to these challenges. Ryan White has been a monumental success and has most certainly contributed to the decline in the number of AIDS cases and deaths due to HIV/AIDS. S. 1793 is an important piece of legislation and I urge my colleagues to support it.

HONORING HEATHER CHRISTENSEN

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. MATHESON. Madam Speaker, Utah has lost a local treasure with the passing of Ms. Heather Christensen of American Fork, Utah.

Heather Christensen is remembered by her joyfulness. Her friends and family said she was always smiling, laughing, and positive. As the woodwind section instructor for the American Fork High School band, she was known to work 18 hours a day. Heather was known to arrive at school early in order to help individual students and make sure they had a good experience. Her close friends said she believed in positive reinforcement as a way to motivate students.

Heather died trying to save 46 American Fork high school band students on October 12, 2009. A bus carrying the band crashed on Interstate 15 as they were returning after winning a competition at Idaho State University in Pocatello. After witnessing the bus driver pass out, she reached for the wheel and tried to steer the bus back to the road but fell out a window as the vehicle rolled. About 30 students sustained minor injuries, but thanks to Heather's fast action, none had life-threatening injuries.

Heather was a very talented young woman, who played multiple instruments and sang. Her family said she could play any instrument by ear and had perfect pitch. She was said to have been living her dream by working with the nationally recognized American Fork High band.

Heather grew up in American Fork and was the third of six children. She was the drum major at American Fork High School, and was also the student conductor for the school's a cappella choir. She went on to become a drum director at the University of Utah, where she earned both a bachelor's and masters in music education.

People have called Heather's actions heroic and I want to take a moment to honor this Utahn for her courage.

IN TRIBUTE TO INSPECTOR JEFFREY MADDREY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Jeffrey Maddrey, Inspector of the 75th Precinct and an honorable public servant.

Inspector Maddrey is a graduate of John Jay College, with a Bachelor of Arts degree in Criminology, and is also a graduate of Columbia University's Police Management Institute. Inspector Maddrey is presently pursuing a Master's Degree in Human Services Management and Leadership at St. Joseph's College.

Inspector Maddrey became a member of the New York City Police Department in 1991 at the age of 20. Upon graduation from the Police Academy, Inspector Maddrey was assigned to the 110th Precinct in Queens, New York. He was promoted Sergeant in 1998.

Upon his promotion to Lieutenant in 2001, he served in the 67th Precinct, then successfully in various capacities as Captain in the 72nd, 60th, and 70th Precincts, and Commander of the Brooklyn South Task Force. On January 1, 2006, Captain Maddrey was assigned to the 73rd Precinct as Commanding Officer. He was then promoted to Deputy Inspector in December of 2006 and Inspector in November of 2008. Inspector Maddrey is currently the Commanding Officer of the 75th Precinct and also a member of the National Organization of Black Law Enforcement Executives. His service to the residents of East New York, Brooklyn is exemplary.

Madam Speaker, I urge my colleagues to join me in recognizing Jeffrey Maddrey.

PERSONAL EXPLANATION

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. CAPUANO. Madam Speaker, last week I missed several rollcall votes. Had I been present I would have voted the following: rollcall No. 790—"yes"; rollcall No. 791—"yes"; and rollcall No. 792—"yes."

BECKY FAST HONORED AS ''SOCIAL WORKER OF THE YEAR'' BY KANSAS CHAPTER OF THE NATIONAL ASSOCIATION OF SOCIAL WORKERS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. MOORE of Kansas. Madam Speaker, since I took office in January, 1999, Becky Fast has worked as my constituent services director. My office has prided itself on a high level of constituent services, and for that Becky deserves much of the credit. I am proud and happy to announce that last Thursday, Becky was honored as "Social Worker of the Year" by the Kansas Chapter of the National Association of Social Workers. Vicki Arnett, LSCSW and the Chair of the Chapter LINC committee presented the award at the 62nd MoKan Clinical Institute in Overland Park (Ritz Charles) on Thursday, October 8, 2009. The Kansas Chapter, National Association of Social Workers represents the practice and profession of social work in Kansas. The event was a two day intensive training on familial sexual abuse with Michael Boniello, LSCSW and difficult ethical problems in social work with Frederic Reamer, Ph.D., of Rhode Island.

Although I was in Washington for scheduled votes, I was pleased to learn that Becky's father drove from Minnesota to Kansas to see her receive the award. I want to take this opportunity to congratulate Becky, and am honored to enter into the CONGRESSIONAL RECORD the remarks made by Vicki Arnett when she introduced Becky as the recipient of the 2009 Kansas Chapter of the National Association of Social Work "Social Worker of the Year":

Becky Fast originally was trained as a teacher. Through that work she found that many students and their families needed individual assistance through difficult circumstances. Becky went back to school and became a social worker. Since then, she has been working in different capacities to help improve services to many individuals. Her early work has included authoring several chapters in a book on serving the aged population as well as service manuals to implement such programs. She taught social policy for many years and helped bring attention to the importance of everyday advocacy in the political arena.

Becky practices Political Social Work. She has been the Director of Constituent Services for Congressman Dennis Moore since his victory in 1998. She is one of just a few social workers across the country to hold such a position. She has built the constituents program with a focus on applying social work values and skills to assisting people calling for help with federal programs. Her program serves as a model for other congressional offices and Becky willingly shares her knowledge. Over the years, Becky has mentored many social work interns and taught them the importance of listening to caller concerns and responding in a helpful way. She is constantly making connections to individuals and the community by establishing access to the Congressman and helping to suggest ways to solve problems.

Becky has taken advantage of her ability to connect to people to promote social workers and the profession. For example, she had several conversations with then Governor Sebelius and they spoke about social work and delivering care to people. She was able to mention social work to President Clinton, and she facilitated a meeting with the Attorney General on social work safety. Many of the current Kansas State legislators keep social work on their mind because of Becky talking to them.

Most recently, after physical threats to the congressional office, and the town hall meetings had to be canceled for safety reasons, she was still preparing materials and was generous in giving time and attention to people expressing anger and frustration. She does not lose her cool in such situations. Becky was instrumental in securing federal funding to support the Teri Mathis Zenner Safety First conference in October. Becky was one of the original presenters for Dr. Nancy Humphreys Campaign School in Connecticut.

Becky has served as the Kansas Chapter, PACE Chair for several election cycles, served as the Treasurer on the Chapter Board of Directors and now serves as the Region Ten Representative on the National Board of Directors of NASW. She serves on a variety of committees and work groups and in the Kansas City area. Becky is well known across Kansas and everyone knows she is a social worker because she proudly states, ''I am a social worker'' as she does her work. Congratulations Becky for a well-earned and well-deserved recognition of the excellence you bring to the social work profession.

HONORING DR. JOHN WATERS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. KILDEE. Madam Speaker, I rise today to honor Dr. John Waters as he steps down as the President of the Genesee County Medical Society. Dr. Waters will be honored at the annual Presidents' Ball on November 7th in Grand Blanc, Michigan.

Dr. Waters became interested in a medical career at the age of 7. He was injured in an automobile accident and was hospitalized for a long time. Because of the care and compassion of his hometown physician, Dr. Waters decided to become a doctor. He earned a B.A. in psychology and a B.S. in biology from Quincy College. After graduating from Northwestern University Medical School he completed his residency at the University of Louisville, Department of Ophthalmology.

In addition to his medical practice at Complete Eye Care, he is a principal in the Surgery Center. Active in the community, Dr. Waters treats patients through the Genesee County Free Medical Clinic and works with the Greater Flint Health Coalition. He has provided free glaucoma and diabetic eye screenings in conjunction with FACED's Diabetic Sunday at area churches. He participated in Cover the Uninsured Week and Complete Eye Care received the "Community Caring Award" from Health Access.

Involved with the Genesee County Medical Society, he has served on the Board since 2000 and is a member of the Finance Committee. He also serves as part of the Genesee County delegation to the Michigan State Medical Society House of Delegates. His philosophy about being a doctor is: "I went into medicine because of what someone did for me. We who are physicians should do the same for our patients. If we do what is right for them everything will fall into place for us." Dr. Waters and his wife, Meg, have two children, JT and Elizabeth.

Madam Speaker, I ask the House of Representatives to join me in applauding Dr. John Waters. I commend him for his dedication to treating and healing his patients and I wish him many, many more years working for better health in our community.

PERSONAL EXPLANATION

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. CARNEY. Madam Speaker, on Thursday, October 22, I was unfortunately delayed reaching the floor and unable to cast my vote on the first two recorded votes of the day.

Had I been present, I would have voted: "yes" on rollcall vote 798, and "yes" on rollcall vote 799.

INTRODUCTION OF THE OSTEOPOROSIS EARLY DETECTION AND PREVENTION ACT OF 2009

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mrs. MALONEY. Madam Speaker, today I am reintroducing bipartisan legislation, the Osteoporosis Early Detection and Prevention Act of 2009, along with my friend and colleague from West Virginia, Congresswoman SHELLEY MOORE CAPITO.

The Osteoporosis Early Detection and Prevention Act of 2009 will require private insurance plans to cover bone density testing for individuals most likely to develop osteoporosis. This bill will ensure that the individuals most likely to develop the disease will have access to screening tests, which could both improve health outcomes and save significant amounts of money.

Forty-four million Americans either suffer from osteoporosis or are at risk of developing it. One of every two American women and one of four American men, aged 50 or older, will suffer a bone fracture because of osteoporosis. This means that osteoporosis causes 1.5 million broken bones every year.

Osteoporosis has no symptoms and cannot be detected by an ordinary X-ray until 25 to 40 percent of bone mass has already been lost. As bone mass decreases, the risk of fractures increases exponentially. The disease is usually not diagnosed until a fracture occurs—but

by then, the disease is so advanced that another fracture is extremely likely.

While there is currently no cure for osteoporosis, there are effective and inexpensive techniques both to detect and prevent. A bone density screening is non-invasive, painless, and reliable. If osteoporosis is diagnosed early, drug therapy can reduce the risk of hip and spine fractures by 50 percent. The screening test costs, on average, between $59 and $300—compared to the more than $35,000 it would cost to repair a hip fracture.

I believe that when we can improve health and save money at the same time, we should do just that. By requiring private health insurance plans to cover bone density screenings for the men and women who are most at risk for osteoporosis, we can prevent millions of painful hard-to-treat, costly, and completely unnecessary injuries.

RECOGNIZING THE CENTENNIAL OF FLOYDADA, TX

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. NEUGEBAUER. Madam Speaker, I am proud to congratulate the City of Floydada, TX, on the occasion of its centennial celebration. This 100 year milestone was commemorated by the dedication of the ''Centennial Plaza'' on October 2, 2009.

Floydada was officially incorporated in October 1909 with a population of approximately 500. In 1910, the Santa Fe Railroad arrived in town, sparking the growth and development of this community. Floydada has seen great changes over the past years from the building of new public facilities and fire stations to meeting the challenges of hard times in the 1930s.

Throughout its 100-year history, farming and ranching, as well as a sense of community and fellowship, have sustained Floydada.

Today, the Floydada community remains a stronghold for agriculture and authentic country living and has earned the title of ''Pumpkin Capital of the U.S.''

I am proud to recognize Floydada, the P.R.I.D.E. Committee, the Centennial Committee and over 4,000 residents of the city on the 100th anniversary of their wonderful community.

IN TRIBUTE TO THE HONORABLE BETTY J. WILLIAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of a tireless leader in the community.

Born and raised in South Carolina, Betty Williams began her educational pursuits at North Carolina Agricultural and Technical State University. She then received her law degree from New York Law School. Always one to know the true importance of education, Ms. Williams obtained a Master's Degree in Social Work from Columbia University.

Betty Williams was elected to Kings County, Brooklyn Civil Court in November of 2000. On March 31, 2009, Justice Williams as appointed Acting Supreme Court Justice by the Chief Administrative Judge of New York State, Ann Pfau. She continues to preside over the Misdemeanor Brooklyn Treatment Center, affording long-term substance abusers the opportunity to receive treatment instead of incarceration.

Justice Williams serves in various capacities as Co-Chairperson of the National Association of Women's Judges (NAWJ) Women in Prison Committee, attending the NAWJ's Fourth Annual Meeting with the Congressional Caucus for Women's Issues and National Women Leaders of the Judiciary, Chairperson of the New York State Chapter of the NAWJ Legislative Subcommittee and the past chairperson of the Chapter's Women in Prison Committee. Justice Williams is also a board member of the Downtown Brooklyn Waterfront Local Development Corporation, the Community Advisory Board of the Bayview Correctional Facility, and the New York Chapter of the NAWJ.

Justice Williams is a member of the Association of the Bar of the City of New York, the Metropolitan Black Bar Association, the Brooklyn Bar Association, the National Bar Association, the Kings County Criminal Bar Association, the Judicial Friends, the World Community of Social Workers, Church Women United, Inc., Delta Sigma Theta Sorority, and the St. Paul Community Baptist Church.

In recognition of her loyalty and service, Justice Williams has received numerous awards, including the National Sojourner Truth Meritorious Service Award, the Whitney M. Young Jr. Equal Justice for Children Service Award, the New York City Department of Education Leadership Award, the New York Law School Black Students Association Outstanding Achievement Award, and the North Carolina Agricultural and Technical State University Alumni Association's Julia S. Brook Achievement Award. Justice Williams was also the first woman in New York State to be awarded the Abraham Markoff Scholarship Award from the New York State Bar Association Workmen's Compensation Division.

Madam Speaker, I urge my colleagues to join me in recognizing this selfless and faithful public servant, Honorable Betty J. Williams.

PERSONAL EXPLANATION

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Ms. WASSERMAN SCHULTZ. Madam Speaker, on October 20, 2009, I missed the following rollcall votes due to a longstanding commitment away from Washington:

1. Rollcall vote No. 790, H.R. 3763, To amend the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses;

2. Rollcall vote No. 791, H.R. 3319, To designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the ''Army Specialist Jeremiah Paul McCleery Post Office Building'';

3. Rollcall vote No. 792, H. Res. 558, Supporting the increased understanding of, and interest in, computer science and computing careers among the public and in schools, and to ensure an ample and diverse future technology workforce through the designation of National Computer Science Education Week.

If present, I would have voted ''aye'' on all matters.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed recorded votes on the House floor on Tuesday, October 13, 2009.

Had I been present, I would have voted ''aye'' on rollcall vote No. 772 (on motion to suspend the rules and agree to HR. 3689); ''aye'' on rollcall vote No. 773 (on motion to suspend the rules and agree to HR. 3476); and ''aye'' on rollcall vote No. 774 (on motion to suspend the rules and agree to H. Res. 659).

PERSONAL EXPLAATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Ms. McCOLLUM. Madam Speaker, I was absent from the Chamber on October 15, 2009 because I was in my district with Secretary of Transportation Ray LaHood reviewing an important community investment. On rollcall Nos. 780, 781, 782, 783, 784, 785, 786, 787, 788, and 789, had I been present, I would have voted ''yea,'' and ''no'' on 783.

INTRODUCTION OF THE MAJOR GENERAL DAVID F. WHERLEY, JR. DISTRICT OF COLUMBIA NATIONAL GUARD RETENTION AND COLLEGE ACCESS ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Ms. NORTON. Madam Speaker, today I reintroduce the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Act for technical reasons. I introduced this bill a month after the heartbreaking collision of two Red Line Metro trains here in the District of Columbia that took the lives of 9 area residents, 7 from the District, including a local hero, Major General David F. Wherley, Jr. I originally had introduced the District of Columbia National Guard Retention and College Access Act in May of this year, but after the Metro tragedy I said at the Wherleys' memorial service that I would rename this bill in honor of General Wherley, who not only served his country all his adult life and never forgot the men and women who served under him at home or at war, but was particularly attentive to the residents of the District of Columbia, especially the city's most troubled youth. Thereafter, Congressman JOSÉ

SERRANO, chair of the Appropriations Financial Services subcommittee, was good enough to offer this renaming in his appropriations bill and to appropriate the funds without authorization this year and in prior years.

Under General Wherley's command, the D.C. National Guard deployed several of its units in the Global War on Terrorism. General Wherley himself served courageously in both Iraq and Afghanistan, but at home he spent hours with me figuring out ways to get funds for programs for the District's children. We were always successful because he would show up, not only in my office, but wherever he was needed to go and get funds or to do service.

General Wherley was a full-service leader. He not only commanded the D.C. National Guard; he worked closely with me and with city officials on programs for our city, its disadvantaged youth, and on keeping our Guard competitive as a premier force at home as well as abroad. He became one of us when he and his wife, Anne, decided to purchase a co-op in Southeast, D.C., in the Capitol Hill community where they participated as hometown residents. Anne, who sadly also was killed in the train collision, was his high school sweetheart. At their joint memorial service, I only half-jokingly said that she did everything with him but run the D.C. Guard, because she was his helpmate in every aspect of his full and fruitful life.

As I highlighted when I originally introduced this bill earlier this session, the education incentives in my bill serve not only to encourage high quality recruits, but, when appropriated, have had the important benefit of helping the D.C. National Guard to maintain the force necessary to protect the federal presence because this funding helps equalize an important benefit compared with what is offered by Guard units in surrounding jurisdictions, which also are open to them.

A strong D.C. National Guard, able to attract the best soldiers is especially important, given the dual mission of the D.C. National Guard to protect the federal presence as well as hometown D.C. This unique responsibility distinguishes the D.C. National Guard from any other National Guard and accounts for the generosity of the Appropriations Committee in the past. However, while the appropriators treat funding for the D.C. National Guard as a programmatic request, under past administrations, the Office of Management and Budget has contended that these funds are earmarks, putting them in jeopardy for consistent funding. It therefore is imperative that this important educational incentive be authorized appropriately to ensure its permanent sustainability. That is what this bill does today.

I urge my colleagues to support this bill.

PET SAFETY AND PROTECTION ACT

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. DOYLE. Madam Speaker, I rise today to reintroduce the Pet Safety and Protection Act—legislation that I believe is essential to protect family pets, bring our nation's research policies into the 21st century, and end the unnecessary and illegal abuse of cats and dogs that's widespread in the Class B dealer system, which provides a number of animals to biomedical research labs.

Class B dealers are licensed by the U.S. Department of Agriculture to acquire animals from ''random sources,'' including individuals who claim to have bred and raised the animals, but oftentimes haven't actually done so. Then the dogs and cats are sold to labs across the country that conduct important biomedical research.

Most scientists agree that animals with certain genetic characteristics or medical conditions are necessary for some types of medical research. So-called random sources are often the best sources for such animals. Unfortunately, the Class B dealer system that was set up to address this need has been plagued by widespread and flagrant violations of the Animal Welfare Act—including complaints that family pets have been swept up and sent to labs and used in biomedical research.

While USDA has tried to monitor Class B dealers and make sure these laws are followed, it simply has never had the resources to ensure the dealers' compliance. USDA's efforts, have, however, resulted in a number of investigations that forced many bad dealers out of the business. Today, 7 of the 10 remaining licensed Class B dealers are being investigated for alleged violations of the Animal Welfare Act. An additional dealer has had his license suspended for 5 years.

That record should give anyone an idea of the magnitude of the problems that exist in the current Class B dealer program. If anyone still doubts the need for action, I urge them to watch a 2006 HB0 program documenting in graphic, disturbing detail the inhumane and illegal treatment of animals by Class B dealers. This remarkable documentary contains video footage shot undercover in a Class B dealer's facility. Among the abuses documented in this film are overcrowded cages, rotten food, food contaminated with feces, frozen drinking water, dogs with serious untreated injuries and diseases, and live dogs caged with the carcasses of dead dogs. This investigation also documented the beating, strangulation, and shooting of dogs by a Class B dealer.

I have been working for a number of years to pass legislation that would change the way animals with random source characteristics are acquired for biomedical research. This legislation, the Pet Safety and Protection Act, would prohibit the sale of dogs and cats by Class B dealers for experimentation. Its goal is to stop the illegal supply of dogs and cats to laboratories—as was intended when the Animal Welfare Act was first adopted by Congress in 1966. The Pet Safety and Protection Act also provides an alternative to Class B dealers for acquiring such animals. Research labs could acquire them from Class A dealers, from certain publicly owned and operated animal pounds, and through donations from people who have owned the animal for at least a year. I believe that this law would end the abuses running rampant in the Class B dealer system and make the process for acquiring animals necessary for medical research far more humane.

This legislation has the strong support of the Animal Welfare Institute and the Humane Society of the United States.

In previous years, this bill has been derailed by concerns that it might prevent or delay life-saving biomedical research. Consequently, the 110th Congress directed the National Academies to examine the issue and determine whether the Class B dealer system should be continued. Earlier this summer, the National Academies released its report on the Class B dealer system. The National Academies concluded that:

> Although random source dogs and cats represent a very small percentage of animals used in biomedical research, this small number is not commensurate with their potential value, and it is desirable to assure continued access to animals with random source qualities. This access can be accomplished with existing alternative mechanisms other than Class B dealers and can be assured with additional effort. The Committee thus determined that Class B dealers are not necessary for supplying dogs and cats for NIH-funded research.

I believe that the National Academies study puts to rest any remaining concerns about the desirability of eliminating the Class B dealer system.

In closing, Madam Speaker, let me reiterate my belief that enactment of the Pet Safety and Protection Act is necessary to end the inhumane and illegal treatment of animals acquired and sold by Class B dealers, protect families' pets from being used for biomedical research without their permission, and achieve those goals without hindering essential biomedical research. I urge my colleagues to cosponsor this long overdue legislation.

NATIONAL SPINA BIFIDA AWARENESS MONTH

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. CASTLE. Madam Speaker, I rise today in recognition of October as National Spina Bifida Awareness Month, which aims to bring awareness to the nation's most common permanently disabling birth defect, affecting 3,000 pregnancies every year. New data from the Center for Disease Control and Prevention, CDC, reported this spring, indicates the number of Americans with spina bifida is actually 154,000—double what was previously thought. According to the Delaware Health Statistics Center, approximately one out of every fifty-six babies born in Delaware with birth defects suffers from spina bifida. Spina bifida occurs within the first month of pregnancy and leaves a permanent opening in the spinal column that subsequently impacts nearly every organ system. People with spina bifida face a host of complications, such as physical, developmental, educational and vocational challenges, among others.

The National Institution of Neurological Disorders and Stroke at the NIH supports research on neural tube defects. Studies have shown the addition of folic acid (0.4 mg of folic acid daily) to the diet of women of child bearing age may significantly reduce the incidence of neural tube defects. An estimated 70 percent of neural tube defects, including spina bifida, are preventable through consumption of folic acid prior to pregnancy, and National Spina Bifida Awareness Month plays a critical role in conveying this prevention message to the public. As a 2005 study uncovered, the

current system of care serving people with spina bifida does not fully meet current or anticipated needs, and physicians have little evidence-based research on which to build appropriate treatments. Increasing awareness of spina bifida will also focus attention on the need to expand and intensify evidence-based research to improve the quality of life of those living with spina bifida.

Mr. Christopher Malone, who is a board member of the Spina Bifida Association, visited my Washington office on October 2, 2009 to discuss the challenges facing children with spina bifida. When I listen to accounts from constituents like Christopher Malone, I am reminded of the enormous impact that spina bifida has had not only on those with this condition, but on their family members and friends.

I thank Mr. Malone and the members of Spina Bifida Association for their efforts and leadership over the last 36 years, and for their ongoing commitment to improving the quality of life of people affected by spina bifida. Too many Americans suffer needlessly from this birth defect when many cases are preventable.

Education and awareness, prevention, and research are key. During National Spina Bifida Awareness Month, I hope we will all take the time to learn more about spina bifida and support these endeavors.

IN RECOGNITION AND MEMORY OF TAYLOR CATHERINE FEDA

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. WILSON of South Carolina. Madam Speaker, I am honored to submit the following poem written by Ms. Taylor Catherine Feda of Columbia, South Carolina. Taylor sadly passed away on July 6, 2007. She is remembered as a kind and generous daughter and friend as well as an excellent student at Dutch Fork High School where she excelled in writing poetry.

Her parents, Jim and Michelin Feda of Irmo, were so kind to share the following poem penned by Taylor and included in the 2008 Dutch Fork High School literary magazine Revelations.

MONSTER

What do you find in the truth,
but something in it's most pure original form.
Something you must accept and respect on its own terms.

People can never really accept the truth,
They want to hide it with their own shades,
Or betray it as something more ideal for their needs and wants.

But maybe the truth is what we need,
And once we accept its purity,
Maybe it's exactly everything we want?

I'm sick of seeing the ones I care about leap over the truth
and jump right off the ledge of thinking straight,
or hoping things will change.
I'd like them to view things as I do,
With the glass half-full,
give or take a few sips of confidence in what the outcome will be either way.

The truth is about acceptance, and betrayal,
love and hopeless mistakes of reading the road signs that lead the other direction,
those road signs possibly leading to ditches of deception or a simple glimpse of happiness.

The truth is a monster that hurts people,
but somehow heals their vision of thinking things are
perfect and surreal.

Let's accept it,
Embrace it,
Defy it.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed recorded votes on the House floor on Tuesday, October 20, 2009.

Had I been present, I would have voted "aye" on rollcall vote No. 790, on motion to suspend the rules and agree to H.R. 3763; "aye" on rollcall vote No. 791, on motion to suspend the rules and agree to H.R. 3319; and "aye" on rollcall vote No. 792, on motion to suspend the rules and agree to H. Res. 558.

IN TRIBUTE TO THE HON. DELORES J. THOMAS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of a tireless leader in the community.

Born and raised in Boligee, Alabama, Delores Thomas began her career at Alabama State University, receiving a Bachelor of Arts Degree in Political Science. Shortly thereafter, Delores Thomas received her Juris Doctorate from the University of Georgia Law School. Upon successful completion of her Juris Doctorate, Delores Thomas was admitted to the State and Federal Bar Association in Georgia and New York.

Delores Thomas began her legal career as a staff and management attorney for the Housing Immigration and Unemployment Law Units at Brooklyn Legal Services. She also served as an Administrative Law Judge with the New York City Parking Bureau and was president and organizer for the Legal Services Staff Association for District 65 UAW.

Delores Thomas began years of succession to various judicial posts throughout her career. In March of 1994, Delores Thomas was appointed as Judge in the Housing part of Civil Court, handling landlord and tenant issues. In November of 2002, Justice Thomas was elected to the Civil Court bench, becoming the first African-American elected to a countywide judgeship.

Justice Thomas' most recent appointment is to the Supreme Court. While serving on the Supreme Court, Justice Thomas was assigned to the Matrimonial Trial Part of the Supreme Court. Justice Delores Thomas is currently one of four judges in Kings County, Brooklyn, and the only African-American judge assigned to hear and determine matrimonial cases pertaining to dissolution of marriages and custody of children.

Justice Delores Thomas serves as a member of various organizations, such as the Judicial Friends, the National Association of Women Judges, the Brooklyn Bar Association, the Brooklyn Women's Bar Association and the New York City Bar Association. In her civic capacity, Justice Delores Thomas is a member of Delta Sigma Theta Society, the Eastern Star Organization, and Church Women United, Inc.

Madam Speaker, I urge my colleagues to join me in recognizing this relentless and dynamic public servant.

CELEBRATING THE 30TH ANNIVERSARY OF THE SOUTHWEST COLLEGIATE INSTITUTE FOR THE DEAF

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. NEUGEBAUER. Madam Speaker, I proudly congratulate the Southwest Collegiate Institute for the Deaf on the occasion of their 30th anniversary celebration. This special milestone will be celebrated on November 6, 2009 with the dedication of the new Technical Training Center in addition to other celebratory events around the campus.

In the late 1970s, Dr. Douglas J.N. Burke, along with several members of the community, took action to meet the need for a postsecondary program to provide higher education and career training for the deaf in West Texas.

On November 6, 1979, SWCID was established by the Board of Trustees of the Howard Junior College District. The campus of SWCID would be an entity of Howard College and located at the former Webb Air Force Base in Big Spring, TX. In September 1980, SWICD first opened its doors to students, and was established as a state-supported institution on May 14, 1981.

Over the past 30 years, SWICD has strived to offer vocational and technical training, state of the art learning environments and technologies for deaf students, as well as courses for hearing individuals who have an interest in working with the deaf community.

I applaud Dr. Burke for his vision of creating this program for deaf students along with the countless groups and individuals who continue to support his dream and the unique education being provided by this institution. A facility of this nature is of incredible benefit to deaf individuals so that they may learn the necessary technical skills to successfully enter into the job market.

It is a great honor to recognize the Southwest Collegiate Institute for the Deaf on 30 years of service to the deaf community of Texas and our Nation.

HONORING RICHARD LONG

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Richard Long as he retires after 46 years of dedicated and extraordinary service to the United Automobile Workers. For the past nine years Richard has served as the National Community Action Program Director for the United Automobile Workers.

In 1963, Dick Long began working at the former Pontiac Motor Division and joined UAW Local 653. This began his life's work promoting better working conditions, not just for the men and women he saw daily on the shop floor, but for all workers. He began his service with the UAW as an alternate committeeman and quickly progressed into the UAW's top leadership tier. He became the chair of Sub Council 7, the largest sub council in the UAW during this time and in 1987 Dick was elected Vice President of Local 653 by his peers. A year later he was elected President. As the Chairman of the United Auto Workers/General Motors contract negotiations in 1993, Dick helped craft an agreement advantageous to both workers and the company. Stephen Yokich, then UAW President, tapped Dick to be his Administrative Assistant in 1998 and in 2000 Dick became the National Community Action Program Director.

As a national leader Dick was able to break down barriers for workers, and enhance their quality of life. I have known and worked with Dick for many years and have a deep appreciation for his wisdom and perseverance. His work exemplifies the ideals that the UAW has championed since its inception.

Dick's vision of a better life for UAW members and their families prompted him to work promoting education, teamwork, and social justice. He is active with many community organizations and the Democratic Party. In addition to his work, Dick and his wife Jackie have three children and six grandchildren.

Madam Speaker, it gives me great honor to recognize the accomplishments of Richard Long. He is a man of honor, intellect, and remarkable compassion. The members of the UAW and workers everywhere owe him a debt of gratitude for his foresight, commitment and actions. Because of Richard Long there is a greater respect between management and labor, better working conditions for members of the UAW, and better opportunities for their families. I consider him a dear friend and would like to thank him for a lifetime of hard work. I ask the House of Representatives to join me in applauding Richard Long and wish him a long and enjoyable retirement.

NINTENDO

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. REICHERT. Madam Speaker, I rise today in recognition of an innovative global business headquartered in Washington State named the best company in the world this year by Business Week magazine, Nintendo.

A company that employs many of my constituents, Nintendo is an electronics maker behind some of the most innovative and breathtaking technological advancements in the world over the past century, and is thriving in a less-than-adequate economic climate while positioning itself to surpass more challenges in the future. Over the past five years, Nintendo's sales have risen by more than 35 percent annually while its overall value averaged 38 percent growth.

Rather than shrinking and simply trying to weather the economic storm it is facing, Nintendo has expanded and used its unique brand of innovation to stay at the top of its game and produce ''must-haves'' such as the Wii console, and we all enjoy the Wii.

Like other global companies reliant on its own unique brand of innovation, Nintendo has invested huge sums of capital into its people and commanded a large share of the market. Nintendo is performing at a higher level than any other company in the world in 2009. I am honored to have worked with Nintendo in the past and plan to do the same moving forward. Technological innovation will continue to move this Nation and this world forward and I thank Nintendo for being a visionary leader in that innovation.

HONORING REVEREND DR. JOHNNY TILLER FOR SEVENTY YEARS OF PREACHING THE GOSPEL OF JESUS CHRIST

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. SHULER. Madam Speaker, I rise today to honor Reverend Dr. Johnny Tiller, who celebrated his 70th anniversary of preaching the Gospel of Jesus Christ on September 10, 2009. Reverend Tiller has dedicated his life to this work, and has pledged that he will continue to do so until God calls him home to heaven.

Reverend Tiller has spent his life preaching and ministering to the needs of those in western North Carolina. At the young age of 12, Reverend Tiller preached his first sermon at a cottage prayer meeting. In November of 1944, at only 18 years of age, Reverend Tiller became the first full-time pastor of Starnes Cove Baptist Church, in Asheville, North Carolina.

In November of 1993, after serving as a full-time pastor of four different churches over 49 years, Reverend Tiller retired from full-time ministry. Since retirement, he has served as interim pastor for six different churches and currently serves at Sunrise Baptist Church in Asheville, North Carolina. He also has taught New Testament courses at Fruitland Baptist Bible Institute for the past 16 years. Reverend Tiller has preached on many radio stations, and has held numerous revivals and Bible study courses across the United States and around the world.

Madam Speaker, Reverend Dr. Johnny Tiller has done an exemplary service for the people of western North Carolina and throughout the world during his 70 years of ministry. His dedication and honorable commitment to serving God is truly a source of pride to western North Carolina. I urge my colleagues to join me today in honoring Reverend Tiller for his contributions to spreading God's word.

EXPRESSING CONDOLENCES REGARDING ATTACK ON UNITED NATIONS WORLD FOOD PROGRAM OFFICE IN ISLAMABAD, PAKISTAN

SPEECH OF

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. AL GREEN of Texas. Mr. Speaker, I extend my strong support to H. Res. 823, which expresses condolences to the families, friends and colleagues of those killed and injured in the recent attack on the United Nations World Food Program office in Islamabad, Pakistan, and support for the World Food Program's mission to bring emergency food aid to the most vulnerable people of Pakistan and around the world.

On October 5, 2009, a suicide bomber attacked the World Food Program office in Islamabad, Pakistan, killing five employees, Botan Ahmed Ali Al-Hayawi, Farzana Barkat, Abid Rehman, Gulrukh Tahir, and Mohamed Wahab. But more than killing these five individuals, the tragedy has affected the ability of this very important organization to meet Pakistan's most pressing humanitarian needs.

The United Nations World Food Program was established in 1962 and works to provide men, women and children with access to the food needed for an active and healthy life. In 2008, the World Food Program fed 102 million hungry and poor people in 78 countries. In Pakistan, the World Food Program provides assistance to 10 million people at any given time, including 2 million Pakistanis displaced by fighting in the Swat Valley region earlier this year.

As the international community grieves over the loss of five staff members who selflessly gave themselves to their fellow men and women, let us recognize the critical work of the United Nations World Food Program. More than 84.7 percent of Pakistanis live on less than US $2 per day, and I daresay that Pakistan cannot afford to go on without the work and aid delivered by this organization.

I extend my sincerest condolences to the families, friends, and colleagues whose loved ones were lost in the recent attack on the World Food Program office in Islamabad. Moreover, I reaffirm my support for the mission of the World Food Program, its leadership and staff of over 10,000 dedicated men and women.

Lastly, I hope that this event reminds my colleagues in Congress, the American people and citizens of the world, that as human beings, it is in our personal interest to ensure that no one on this earth goes hungry for want of food. Let us rise up in solidarity with the people of the United Nations World Food Program and ensure that the recent attack does not diminish, but strengthens, our resolve to advance anti-hunger efforts in Pakistan and defeat poverty around the world.

CONFERENCE REPORT ON H.R. 2892, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 2009

Ms. McCOLLUM. Madam Speaker, I rise to oppose this Republican Motion to Instruct Conferees on the Fiscal Year 2010 Department of Homeland Security Appropriations Act, H.R. 2010.

This Republican motion is nothing more than a political stunt that would delay Congressional action on this important bill that funds the Department of Homeland Security. This agency's ability to operate is crucial in keeping our borders and waters safe, preventing terrorism, and responding to natural disasters.

Furthermore, this is another example of a Republican proposal that blatantly disregards the Constitution. If enacted, it would undermine the principles of due process and a fair trial, both of which are American ideals we hold dear.

For these reasons, I urge a "no" vote.

EARMARK DECLARATION

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. MACK. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010.

Project Name: Gulf Intracoastal Waterway, Southwest Florida

Requesting Member: Congressman CONNIE MACK

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act of FY 2010

Account: O&M

Legal Name of Requesting Entity: United States Army Corps of Engineers

Address of Requesting Entity: 441 G Street, NW., Washington, DC 20314

Description of Request/Justification of Federal Funding: $1,313,000; This project would provide for maintenance dredging in four areas of the Gulf Intracoastal Waterway (GICW). The areas in need of maintenance dredging include the mouth of Caloosahatchee River (Miserable Mile in Lee County) and the Boca Grande Bayou area (Miller's Marina in Lee County) of the GICW.

Project Name: Naples to Big Marco Pass

Requesting Member: Congressman CONNIE MACK

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act of FY 2010

Account: O&M

Legal Name of Requesting Entity: United States Army Corps of Engineers

Address of Requesting Entity: 441 G Street, NW., Washington, DC 20314

Description of Request/Justification of Federal Funding: $722,000; The Naples to Big Marco Pass, also known as the Gordon River Pass in Collier County, supports the commercial fishing, stone crab harvesting, sport fishing and tourism industries. The Pass also supports the County's marinas and is used by residential boaters. Typically, the Pass is dredged every four or five years. It was last dredged in 2002 and needs to be dredged this year because shoaling diminishes the water depth in the channel.

Project Name: Lee County, FL (Reimbursement)

Requesting Member: Congressman CONNIE MACK

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act of FY 2010

Account: Construction

Legal Name of Requesting Entity: United States Army Corps of Engineers

Address of Requesting Entity: 441 G Street, NW., Washington, DC 20314

Description of Request/Justification of Federal Funding: $645,000; There are three sections to the Lee County shore protection project (Captiva, Gasparilla, and Estero Islands) which were authorized as federal shore protection projects. Lee County advanced the Gasparilla section, which was completed in the Spring of 2007. The funding will allow for the reimbursement of the federal share to the County for the Gasparilla beach re-nourishment project.

PERSONAL EXPLANATION

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. ETHERIDGE. Madam Speaker, I regret that a death in my family delayed my return to Washington this week. I was, therefore, unable to cast a vote on a number of rollcall votes on Tuesday, October 20, and Wednesday, October 21, 2009.

Had I been present on Tuesday, October 20, I would have voted "yes" on H. Res. 558, supporting the increased understanding of, and interest in, computer science and computing careers among the public and in schools, and to ensure an ample and diverse future technology workforce through the designation of National Computer Science Education Week; "yes" on H.R. 3319, designating the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building"; and "yes" on H.R. 3763, amending the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses.

Had I been present on Wednesday, October 21, I would have voted "yes" on H. Res. 811, expressing support for designation of October 2009 as "National Principals Month." No school can be great without a great principal, and my district is fortunate to have an outstanding group of principals. High-quality school leadership is critical to supporting America's next generation of leaders and innovators.

I also would have also voted "yes" on S. 1793, the Ryan White HIV/AIDS Treatment Extension Act of 2009; "yes" on H. Res. 837, recognizing Kentucky Wesleyan College for its service as an institution of higher education for over 150 years; "yes" on H. Res. 660, recognizing the distinguished history of the Laurinburg Normal Industrial Institute; and "yes" on S. Con. Res. 43, authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to former Senator Edward Brooke.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. CARTER. Madam Speaker, on October 20 and 21, 2009, I was unable to be present for all rollcall votes due to an unexpected delay. If present, I would have voted accordingly on the following rollcall votes: roll No. 790—"yea"; roll No. 791—"yea"; roll No. 792—"yea"; roll No. 793—"yea"; roll No. 794—"yea"; roll No. 795—"yea"; roll No. 796—"yea" and roll No. 797—"yea."

HONORING DONALD D. LAUB

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. COSTA. Madam Speaker, I rise today to pay special tribute to a man whose life and pursuits have exemplified the spirit of fortitude and the virtues of family demonstrated by so many of those who work to provide food and fiber to our great nation. Many factors have contributed to California's bountiful agriculture industry and the economic well-being of the State of California, but one underlying factor in California's agricultural success has been the fortitude of those such as Donald D. Laub. A long-time Fresno county agricultural leader and Easton-area grape grower, Donald passed away on Oct. 20, 2009.

Born on July 22, 1933, in Fresno, Don Laub was involved in farming for the majority of his 76 years. At the tender age of 9-years-old, Don was called upon to assist his mother Anna and twin brother Ronald in keeping the family farm going when his father Henry died in 1943. These early years of working the farm would set the foundation for Don's entire agricultural career.

In 1954, Don married Clara Fogal. The Laubs soon expanded the family farm to the Easton area of Fresno County with the purchase of prime vineyard land. Under Don's direction, Laub Ranches quickly became known for producing premium table grapes, raisins and wine grapes. As part of J&L Vineyards, Don was one of the first to embrace and actively use integrated pest management and trellis designs for table grapes. Four generations have now engaged in the family business. His grandson, Ryan Jacobsen, is executive director of the Fresno County Farm Bureau, and his mother, Debbie Jacobsen, Mr. Laub's daughter, became the first female president of the Fresno-area chapter in 2002. Through Don's example, they have endured many challenges, but all with the tenacity of a

strong family farm ethic whose commitment has remained to agriculture as a business, as well as a way-of-life. Up until his untimely death, Don was still actively farming and pursuing new agricultural challenges for his business.

Mr. Laub was a respected leader in local agricultural and community organizations. For more than 50 years, Don was involved with the Fresno County Farm Bureau, serving as the organization's president from 1986–88. He represented Fresno County on the California Farm Bureau Federation Board of Directors, and served on several advisory committees for the state and national Farm Bureau organizations. In 1996, Don received the Distinguished Service Award from the California Farm Bureau Federation. 1994 brought an extra-special time as both the Laub and his in-laws, the Jacobsen family, received the Fresno County Farm Bureau Distinguished Service Award in 1994. That same year, Don was selected as the Fresno County Agriculturalist of the Year. In 2001, J&L Vineyards received the Agricultural Business of the Year Award.

Rennown for his passion and dedication to agriculture, Don Laub also served on the boards of directors of the Ag One Foundation at Fresno State, California Association of Winegrape Growers, Farm Labor Alliance, the advisory committee for the U.C. Extension Field Station in Parlier, and for several wine industry boards and commissions. In the late-1980s, Don was appointed to serve on the federal Western Region Immigration and Naturalization Service Advisory Committee. He was later appointed to serve on the Big Fresno Fair Board of Directors and the Fresno County Planning Commission. Don was a member of the California Agricultural Leadership Program, Class III.

In addition to his service to agriculture, Don assumed leadership roles in the Easton community, having served as a trustee and president of the American Union Elementary School Board and Washington Union High School Board. He also served as a director of the Fresno County Public Schools Foundation. Don's passion for education was evident in his program to host inner-city school children from Los Angeles and Fresno on his farm during the 1990s to learn more about agriculture. Don served in the Biola Congregational Church, and on the boards of Twilight Haven Convalescent Home, Fresno County Civil Service Commission, and Fresno County Affordable Housing Task Force.

Donald D. Laub will always be remembered for his passion for Agricultural issues, dedication to his family and friends, and for his lifetime of service to his industry and community. He will be greatly missed, but his legacy will continue throughout all of California's San Joaquin Valley.

CONGRATULATING JAKE SCHULTZ FOR RECEIVING AN AWARD FROM THE NATIONAL ELEMENTARY SCHOOL HONORS SOCIETY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise to congratulate a fine young man, Jake Schultz, on his receiving an award of recognition from the National Elementary School Honors Society. A fifth-grade student at Sagemont School in Weston, Florida, Jake, and 24 of his classmates, has received this honor for outstanding academic achievement and for demonstrating responsibility at home, school, and in his community. While Jake's mother, my esteemed friend and colleague, Congresswoman DEBBIE WASSERMAN SCHULTZ, insisted on there being no official recognition, I nevertheless equally insist on acknowledging Jake's stellar accomplishments. I know that both of his parents are extremely proud.

Jake has demonstrated leadership and accomplishment not only through his hard work in school and excellent grades but also through his community activism. Jake's community service includes the American Cancer Society's Relay for Life, the Susan G. Komen Race for the Cure, the Turkey Trot for Kids in Distress, and his work with a Miami orphanage.

There is an old saying that "all work and no play makes a dull boy." To that end, I should point out that Jake also excels in his efforts outside the classroom. He enjoys playing shortstop for the Hawks, a local baseball all-star travel team, where he has served as both captain and co-captain. Both he and his sister, Rebecca, attend Hebrew School twice a week and have a demonstrated commitment to their faith, family, and friends.

Jake sets an excellent example for his friends and peers in his approach to leadership. I applaud Jake for this honor that he has worked so hard to achieve, and I urge him to continue his dedication to academic achievement and community and public service.

RAISING AWARENESS AND ENHANCING THE STATE OF CYBER SECURITY IN THE UNITED STATES

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Ms. RICHARDSON. Mr. Speaker, as a member of the Homeland Security Committee, a member of the Subcommittee on Emerging Threats, Cyber Security, and Science and Technology, and a co-sponsor of this legislation, I rise in strong support of H. Res. 797, the "National Cyber Security Awareness Month Resolution." October is National Cyber Security Awareness Month, and in this digital age when so much of our country's economic and financial transactions are conducted in cyberspace over distributed computing networks, there are few higher priorities than cyber security.

Mr. Speaker, I thank YVETTE CLARK, the gentle lady from New York and Chair of the Subcommittee on Emerging Threats, Cyber Security, and Science and Technology, for her leadership and vision in recognizing the importance of cyber security in our overall national security. I could not agree more with Congresswoman CLARKE that it is not enough to just acknowledge the importance of this issue. In this digital age, we must work with federal agencies, national organizations, businesses, and educational institutions to strengthen existing security measures and to develop new methods to enhance the cyber security of the United States.

The tragedy of September 11th shook our national security like no event before or since. Although our Nation has remained safe and secure from physical attacks during the eight years since that terrible day, in this digital age we must remain vigilant against a possible terrorist attack on our cyber networks.

Such an attack could have devastating and immediate consequences for our nation and all of our citizens; funds could not be accessed from ATMs; mail service would be interrupted; the efficient movement of goods would be severely curtailed; capital markets could be shut down; and emergency response operations would be deprived of the information needed to save lives and property.

While this doomsday scenario has been the subject of the silver screen in recent years (e.g., "Die Hard or Live Free," "Eagle Eye"), make no mistake—the danger is very real and we ignore or minimize it at our peril. Many nations, including Russia, China, and North Korea, already possess the capability to launch cyber attacks against unprepared adversaries or competitors. And terrorist groups like al Qaeda are working round the clock to acquire this capability. Clearly, the United States must be proactive if we are to secure the physical and cyber networks of our country.

That is why I am also an original co-sponsor of H.R. 2195, the "Critical Electric Infrastructure Protection Act." Among other things, this legislation provides the Federal Energy Regulatory Commission the authority to create mandatory physical and cyber security standards for the electric power system. I look forward to the day when the Homeland Security Committee reports this legislation favorably to the House.

But today, I am very proud to stand with Chairwoman CLARKE in support of H. Res. 797, which is a clarion call to action to secure our nation's cyber networks. I urge all Members to join with me in voting for this resolution.

CONDEMNING PERSECUTION OF BAHA'IS IN IRAN

SPEECH OF

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. QUIGLEY. Mr. Speaker, I rise today in strong support of H. Res. 175 and I thank the gentleman from Illinois, Representative MARK KIRK, for bringing this to the floor. This legislation makes it clear that the Congress of the United States of America will continue to stand strong against the religious persecution by the Government of Iran of the Baha'i community.

The ruthless persecution of those of the Baha'i faith by the Iranian Ministry of Information in Shiraz has lead to jailing of Iranian citizens targeted solely on the basis of their religion. This persecution includes the jailing of Ms. Raha Sabet, 33; Mr. Sasan Taqva, 32; and Ms. Haleh Roohi, 29; who are currently serving four-year prison terms for educating underprivileged children.

In accordance with prior Congressional action, the Department of State has since released a statement urging the Iranian Regime

to release these victims along with others imprisoned on the basis of religious discrimination.

The combined effort of the United States Congress and the Department of State is only furthered by today's legislation. Today we reach out to the international community to immediately condemn Iran's continued violation of human rights and to demand the immediate release of prisoners held solely on account of their religion. I strongly believe that the United States and the world should stand together against this continued and blatant violation of the International Covenant on Human Rights.

DR. PEDRO CELIS

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. REICHERT. Madam Speaker, I rise today in recognition of a distinguished constituent and, according to Hispanic Business Magazine, a man considered one of the most influential Hispanic Americans in the entire nation.

Dr. Pedro Celis, a celebrated Microsoft engineer and an engaged and informed individual living in my congressional district, was honored earlier this month as one of 100 influential Hispanic Americans. Alongside well known Hispanic Americans such as Supreme Court Justice Sonia Sotomayor and Secretary of Interior Ken Salazar, Dr. Celis is one of the most respected Hispanic American trailblazers in our great nation.

Born and raised in Monterrey, Mexico, Dr. Celis graduated from Monterrey Institute of Technology and earned his Ph.D. at the University of Waterloo in Canada. Aside from being a vital and innovative part of Microsoft's SQL Server Group, Dr. Celis served on President George W. Bush's Presidential Information Technology Advisory Committee. Further, Dr. Celis has served on a number of civic-minded organizations such as the Washington State Hispanic Chamber of Commerce, Families Northwest, Hispanic Alliance for Progress and many more. It is no surprise, then, that Dr. Celis has been a trusted advisor on many issues since I was elected to serve in this body.

I want to thank Dr. Celis for his spirit of service and innovation, his commitment to community and family and his outstanding representation of Hispanic Americans. I am so proud Dr. Celis has taken his rightful place among the most influential Hispanic Americans in the nation, I encourage him to continue using his intellect and perspective to drive America in the right direction, and on behalf of the House of Representatives, congratulate him on this prestigious recognition.

Daily Digest

HIGHLIGHTS

Senate agreed to the conference report to accompany H.R. 2647, National Defense Authorization Act.

Senate

Chamber Action

Routine Proceedings, pages S10655–S10709

Measures Introduced: Twenty-eight bills and one resolution were introduced, as follows: S. 1835–1862, and S. Res. 320. **Page S10700**

Measures Reported:

S. 1340, to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund. **Page S10700**

Measures Passed:

Medal of Honor Commemorative Coin Act: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of H.R. 1209, to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history, and the bill was then passed, clearing the measure for the President. **Page S10708**

Casimir Pulaski to be an Honorary Citizen of the United States: Committee on the Judiciary was discharged from further consideration of H.J. Res. 26, proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously, and the resolution was then passed, clearing the measure for the President. **Pages S10708–09**

Conference Reports:

National Defense Authorization Act Conference Report: By 68 yeas to 29 nays (Vote No. 327), Senate agreed to the conference report to accompany H.R. 2647, to authorize appropriations for fiscal year 2010 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, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees. **Pages S10663–87**

During consideration of this measure today, Senate also took the following action:

By 64 yeas to 35 nays (Vote No. 326), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the conference report. **Page S10669**

Unemployment Compensation Extension Act—Agreement: A unanimous-consent agreement was reached providing that the vote on the motion to invoke cloture on the motion to proceed to consideration of H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, occur at 2:30 p.m., on Tuesday, October 27, 2009. **Page S10709**

Berger Nomination—Agreement: A unanimous-consent-time agreement was reached providing that on Tuesday, October 27, 2009, following a period of morning business, Senate begin consideration of the nomination of Irene Cornelia Berger, to be United States District Judge for the Southern District of West Virginia; that debate be limited to 60 minutes equally divided and controlled between Senators Leahy and Sessions, or their designees; that at 2:15 p.m., Senate vote on confirmation of the nomination; provided further, that upon confirmation of the

nomination, Senate resume legislative session and vote on the motion to invoke cloture on the motion to proceed to consideration of H.R. 3548, Unemployment Compensation Extension Act. **Page S10709**

Nominations Received: Senate received the following nominations:

Betty E. King, of New York, to be Representative of the United States of America to the Office of the United Nations and Other International Organizations in Geneva, with the rank of Ambassador.

Lillian A. Sparks, of Maryland, to be Commissioner of the Administration for Native Americans, Department of Health and Human Services.

Routine lists in the Army and Navy. **Page S10709**

Messages from the House: **Page S10698**

Measures Read the First Time: **Pages S10698, 10709**

Enrolled Bills Presented: **Page S10698**

Executive Communications: **Pages S10698–S10700**

Executive Reports of Committees: **Page S10700**

Additional Cosponsors: **Pages S10700–02**

Statements on Introduced Bills/Resolutions: **Pages S10702–06**

Additional Statements: **Pages S10697–98**

Amendments Submitted: **Pages S10706–07**

Notices of Hearings/Meetings: **Pages S10707–08**

Authorities for Committees to Meet: **Page S10708**

Record Votes: Two record votes were taken today. (Total—327) **Pages S10669, S10686–87**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:07 p.m., until 2 p.m. on Monday, October 26, 2009. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S10709.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee concluded a hearing to examine the nominations of Christine H. Fox, of Virginia, to be Director of Cost Assessment and Program Evaluation, Frank Kendall III, of Virginia, to be Deputy Under Secretary for Acquisition and Technology, who was introduced by Senator Reed, Gladys Commons, of Virginia, to be Assistant Secretary of the Navy, and Terry A. Yonkers, of Maryland, to be Assistant Secretary of the Air Force, all of the Department of Defense, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Armed Services: Committee announced the following subcommittee assignments:

Subcommittee on AirLand: Senators Lieberman (Chair), Bayh, Webb, McCaskill, Hagan, Begich, Burris, Thune, Inhofe, Sessions, Chambliss, and Burr.

Subcommittee on Emerging Threats and Capabilities: Senators Nelson (FL) (Chair), Byrd, Reed, Nelson (NE), Bayh, Udall (CO), Kirk, LeMieux, Graham, Wicker, Burr, and Collins.

Subcommittee on Personnel: Senators Webb (Chair), Lieberman, Akaka, Nelson (NE), McCaskill, Hagan, Begich, Burris, Kirk, Graham, Chambliss, Thune, Wicker, LeMieux, Vitter, and Collins.

Subcommittee on Readiness and Management Support: Senators Bayh (Chair), Byrd, Akaka, McCaskill, Udall (CO), Burris, Burr, Inhofe, Chambliss, and Thune.

Subcommittee on Seapower: Senators Reed (Chair), Lieberman, Akaka, Nelson (FL), Webb, Hagan, Kirk, Wicker, Sessions, LeMieux, Vitter, and Collins.

Subcommittee on Strategic Forces: Senators Nelson (NE) (Chair), Byrd, Reed, Nelson (FL), Udall (CO), Begich, Vitter, Sessions, Inhofe, and Graham.

Senators Levin and McCain are ex-officio members of the subcommittees.

NORTH ATLANTIC TREATY ORGANIZATION

Committee on Foreign Relations: Committee concluded a hearing to examine the North Atlantic Treaty Organization (NATO), focusing on a strategic concept for transatlantic security, after receiving testimony from Madeleine K. Albright, former Secretary of State, Kurt Volker, former United States Permanent Representative on the North Atlantic Council, and Charles A. Kupchan, Georgetown University, all of Washington, D.C.; and General John Craddock, USA (Ret.), former Supreme Allied Commander-Europe, Myrtle Beach, South Carolina.

IRAN

Committee on Foreign Relations: Committee met in closed session to receive a briefing on Iran from William J. Burns, Under Secretary of State for Political Affairs; and national security briefers.

POLICY CZARS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the past, present, and future of policy czars, after receiving testimony from Thomas J. Ridge, former Secretary of the Department of Homeland Security; Lee A. Casey, former Attorney-Advisor in the Office of Legal Counsel, Department of Justice; Harold C.

Relyea, former Specialist, American National Government, Congressional Research Service, Library of Congress; and James P. Pfiffner, George Mason University School of Public Policy, Fairfax, Virginia.

FOOD SAFETY SYSTEM

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine keeping America's families safe, focusing on reforming the food safety system, after receiving testimony from Senator Durbin; Margaret A. Hamburg, Commissioner of Food and Drugs, Food and Drug Administration, Department of Health and Human Services; Caroline Smith DeWaal, Center for Science in the Public Interest, and Thomas Stenzel, United Fresh Produce Association, both of Washington, D.C.; Michael Roberson, Food Marketing Institute, Arlington, Virginia; and Daniel L. Ragan, Director, North Carolina Department of Agriculture and Consumer Service Food and Drug Protection Division, Raleigh.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following business items:

S. 1178, to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe, with an amendment; and

S. 1735, to provide for the recognition of the Lumbee Tribe of North Carolina, with an amendment.

ENERGY AND ENERGY EFFICIENCY

Committee on Indian Affairs: Committee concluded an oversight hearing to examine Indian energy and energy efficiency, after receiving testimony from Marcus Levings, Three Affiliated Tribes of the Fort Berthold Revervation, New Town, North Dakota, on behalf of the Council of Energy Resource Tribes; James Roan Grey, Indian Country Renewable Energy Consortium, Pawhuska, Oklahoma; Steve Herrera, Southern Ute Indian Tribe, Ignacio, Colorado; and Ralph Sampson, Yakama Nation, Toppenish, Washington.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1340, to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund; and

The nominations of Laurie O. Robinson, of the District of Columbia, to be an Assistant Attorney General, and Benjamin B. Wagner, to be United States Attorney for the Eastern District of California, both of the Department of Justice.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 21 public bills, H.R. 3898–3918; and 11 resolutions, H. Con. Res. 202–204; and H. Res. 854–861 were introduced. **Pages H11711–12**

Additional Cosponsors: **Pages H11713–14**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein she appointed Representative Ed Pastor to act as Speaker Pro Tempore for today. **Page H11583**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on Tuesday, October 20th:

Expressing the sense of Congress with respect to raising awareness and enhancing the state of cyber security in the United States: H. Res. 797, to express the sense of Congress with respect to raising awareness and enhancing the state of cyber security in the United States, and to support the goals and ideals of the sixth annual National Cyber Security Awareness Month, by a ⅔ recorded vote of 415 ayes with none voting "no", Roll No. 800. **Pages H11595–96**

Solar Technology Roadmap Act: The House passed H.R. 3585, to guide and provide for United States research, development, and demonstration of solar energy technologies, by a yea-and-nay vote of 310 yeas to 106 nays, Roll No. 807. **Pages H11587–95, H11596–H11616, H11617–21**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule. **Page H11621**

Agreed to:

Gordon manager's amendment (No. 1 printed in H. Rept. 111–304) that makes sundry changes to the bill; **Pages H11605–06**

Hastings (FL) amendment (No. 3 printed in H. Rept. 111–304) that ensures a representative from a minority-serving institution is a member of the Solar Technology Roadmap Committee; **Pages H11608–09**

Cardoza amendment (No. 4 printed in H. Rept. 111–304) that expands the types of technology the Energy Secretary can consider from "solar thermal electric technology" to "solar thermal power technology." It also requires the Secretary, in carrying out demonstration projects, to include at least 2 solar thermal technology projects, with thermal storage, that generate between 1 and 3 megawatts continuously for a 24-hour period from energy provided entirely by the sun; **Page H11609**

Marshall amendment (No. 6 printed in H. Rept. 111–304) that requires the Secretary, when carrying out solar technology demonstration projects, to evaluate the potential to establish large photovoltaic facilities that produce at least 100 gigawatts, including an evaluation of the electrical grid, current, voltage, and energy storage requirements associated with large photovoltaic facilities; **Pages H11612–13**

Murphy (NY) amendment (No. 11 printed in H. Rept. 111–304) that requires the Solar Technology Roadmap Committee to submit an annual report to the Secretary of Energy and the Congress on its activities over the prior 12-month period; **Page H11616**

Kaptur amendment (No. 5 printed in H. Rept. 111–304) that requires the Roadmap Committee to provide recommendations to strengthen the use of research and development strategies in making domestic industry more competitive and to assist the commercialization of solar technologies (by a recorded vote of 395 ayes to 24 noes, Roll No. 802); **Pages H11609–12**

Klein (FL) amendment (No. 7 printed in H. Rept. 111–304) that includes research on solar energy storage technology as eligible for funding under the Secretary of Energy's research and development program (by a recorded vote of 414 ayes to 5 noes, Roll No. 803); **Pages H11613–14, H11618–19**

Titus amendment (No. 8 printed in H. Rept. 111–304) that includes the development of solar technology products that are water efficient as a focus of the bill (by a recorded vote of 407 ayes to 9 noes, Roll No. 804); **Pages H11614, H11617–18, H11619**

Heinrich amendment (No. 9 printed in H. Rept. 111–304) that requires the Solar Technology Roadmap Committee to release a draft Roadmap to the public at least one month prior to publication in order to receive public input (by a recorded vote of 420 ayes with none voting "no", Roll No. 805); and **Pages H11614–15, H11619–20**

Himes amendment (No. 10 printed in H. Rept. 111–304) that clarifies that solar thermal technologies and concentrating solar photovoltaic technologies will be included within the scope of the research and development program authorized by the bill (by a recorded vote 410 ayes to 6 noes, Roll No. 806). **Pages H11615–16, H11620–21**

Rejected:

Broun (GA) amendment (No. 2 printed in H. Rept. 111–304) that sought to change the number of years for which the Committee is authorized in the bill from five to three. It also would have reduced to $250,000,000 the amount authorized in each of the three years, from 2011 to 2013 (by a recorded vote of 162 ayes to 256 noes, Roll No. 801). **Pages H11606–08, H11617**

H. Res. 846, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 241 yeas to 178 nays, Roll No. 799, after ordering the previous question by a yea-and-nay vote of 239 yeas to 176 nays, Roll No. 798. **Pages H11593–95**

Recess: The House recessed at 2:05 p.m. and reconvened at 3:00 p.m. **Page H11617**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measures which were debated on Wednesday, October 21st:

Condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights: H. Res. 175, to condemn the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights, by a ⅔ yea-and-nay vote of 407 yeas to 2 nays, Roll No. 808 and **Pages H11622–23**

Expressing support for Teen Read Week: H. Res. 836, to express support for Teen Read Week, by a ⅔ yea-and-nay vote of 405 yeas with none voting "nay", Roll No. 811. **Page H11631**

Coast Guard Authorization Act of 2010: The House began consideration of H.R. 3619, to authorize appropriations for the Coast Guard for fiscal year 2010. Consideration is expected to resume tomorrow, October 23rd. **Pages H11623–31, 11632–85**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee

on Transportation and Infrastructure now printed in the bill shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the 5-minute rule. **Page H11640**

Agreed to:

Oberstar manager's amendment (No. 1 printed in H. Rept. 111–311) that makes sundry changes to the bill; **Pages H11673–80**

Oberstar amendment (No. 3 printed in H. Rept. 111–311) that requests a study and report examining the Coast Guard's ability to respond to effects resulting from changes in U.S. immigration policy toward Haiti; **Pages H11681–82**

LoBiondo amendment (No. 4 printed in H. Rept. 111–311) that requires the secretary of the Department the Coast Guard is operating in to study military family housing and military unaccompanied housing available to members and officers of the Coast Guard, authorizes the Coast Guard to spend funds on child development services, authorizes the Navy Secretary to provide support services to chaplain-led programs for Coast Guard members, and authorizes the President to award a Coast Guard cross and silver star when a Coast Guard member distinguishes himself or herself in armed conflict; **Pages H11682–83**

LoBiondo amendment (No. 5 printed in H. Rept. 111–311) that requires the Secretary of Homeland Security, in consultation with the Transportation Secretary, to study whether there is a continued need for a supplemental air and maritime navigation system as a backup to GPS; and **Pages H11683–84**

Himes amendment (No. 6 printed in H. Rept. 111–311) that establishes within the Department of Homeland Security the America's Waterway Watch Program, a citizen watch program that promotes voluntary reporting of suspected terrorist activity and suspicious behavior along our waterways. It authorizes $3 million over the course of six years for the program. The Secretary will coordinate with other watch programs. The Secretary may also develop instructional materials on potential threats and to promote voluntary reporting of potential violations of law, and may distribute such materials. **Pages H11684–85**

Rejected:

Mica amendment (No. 2 printed in H. Rept. 111–311) that sought to require a GAO report on (1) the background checks and forms of identification required under state and local transportation security programs; (2) a determination of whether those requirements conflict with Federal programs; (3) a determination of whether those requirements assist in carrying out state and local government safety, security and law enforcement responsibilities; and (4) recommendations on ways to minimize redundant background checks and facilitate the sharing of data with state and local governments. It would have also prohibited the secretary of the Department the Coast Guard is in from preventing a state or local government from requiring a separate background check for entry into any area covered by a vessel or facility security plan. **Pages H11680–81**

H. Res. 853, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 213 yeas to 192 nays, Roll No. 810, after ordering the previous question by a yea-and-nay vote of 236 yeas to 171 nays, Roll No. 809. **Pages H11623–31**

Senate Message: Message received from the Senate today appears on pages H11631–32.

Senate Referrals: S. Res. 315 was held at the desk. **Pages H11631–32**

Quorum Calls—Votes: Seven yea-and-nay votes and seven recorded votes developed during the proceedings of today and appear on pages H11594, H11595, H11595–96, H11617, H11618, H11618–19, H11619, H11620, H11620–21, H11621, H11622–23, H11629–30, H11630–31, H11631.

There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:58 p.m.

Committee Meetings

PORK INDUSTRY

Committee on Agriculture: Subcommittee on Livestock, Dairy and Poultry held a hearing to review the economic conditions facing the pork industry. Testimony was heard from Michael Scuse, Deputy Under Secretary, Farm Service Agency, USDA; and public witnesses.

U.S. AFGHANISTAN/IRAQ STRATEGY

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on Afghanistan and Iraq: Perspectives on U.S. Strategy. Testimony was heard from Beth Ellen Cole, Senior Program Officer, Center for Post-Conflict Peace and Stability Operation, U.S. Institute for Peace; the following former officials of the Department of the Army: GEN Barry McCaffrey, (ret.); and LTG David Barro, (ret.); and public witnesses.

AFGHANISTAN COUNTERINSURGENCY AND COUNTERTERRORISM

Committee on Armed Services: Subcommittee on Terrorism Threats and Capabilities held a hearing on

counterterrorism within the Afghanistan counter-insurgency. Testimony was heard from public witnesses.

VIDEO COMPETITION IN A DIGITAL AGE

Committee on Energy and Commerce: Subcommittee on Communications, Technology, and the Internet held a hearing entitled ''Video Competition in a Digital Age.'' Testimony was heard from public witnesses.

CONSUMER FINANCIAL PROTECTION ACT OF 2009

Committee on Financial Assistance: Ordered reported, as mended, the following bills: H.R. 3126, Consumer Financial Protection Agency Act of 2009; and H.R. 3639, Expedited CARD Reform for Consumers Act of 2009.

NORTHERN IRELAND COLLUSION

Committee on Foreign Affairs: Subcommittee on International Organizations, Human Rights and Oversight held a hearing on Concerns Regarding Possible Collusion in Northern Ireland: Police and Paramilitary Groups. Testimony was heard from public witnesses.

CARGO SECURITY AT LAND PORTS

Committee on Homeland Security: Subcommittee on Border, Maritime and Global Counterterrorism held a hearing entitled ''Cargo Security at Land Ports of Entry: Are we Meeting the Challenge?'' Testimony was heard from the following officials of the Department of Homeland Security: Todd Owen, Executive Director, Cargo and Conveyance Security, Office of Field Operations, Customs and Border Protection; and Janice Ayala, Deputy Assistant Director, Office of Investigations, Immigration and Customs Enforcement; and public witnesses.

FINANCIAL REGULATION REFORM BANKRUPTCY/ANTITRUST LAW

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on too Big to Fail: The Role for Bankruptcy and antitrust Law in Financial Regulation Reform. Testimony was heard from Michael H. Krimminger, Special Advisor for Policy, FDIC; Michael Barr, Assistant Secretary, Financial Institutions, Department of the Treasury; and public witnesses.

ENGINEERING IN K–12 EDUCATION

Committee on Science and Technology: Subcommittee on Research and Science Education held a hearing on Engineering in K–12 Education. Testimony was heard from Thomas Peterson, Assistant Director, Engineering, NSF; and public witnesses

NASA TECHNOLOGY DEVELOPMENT PROGRAMS

Committee on Science and Technology: Subcommittee on Space and Aeronautics held a hearing on Strengthening NASA's Technology Development Programs. Testimony was heard from Christopher Scolese, Associate Administrator, NASA; and public witnesses.

NIST CYBERSECURITY ACTIVITIES

Committee on Science and Technology: Subcommittee on Technology and Innovation held a hearing on Cybersecurity Activity at NIST's Information Technology Laboratory. Testimony was heard from Cita Furlani, Director, Information Technology Lab, National Institute of Standards and Technology, Department of Commerce; and public witnesses.

HOMELESS VETERANS MEASURES

Committee on Veterans Affairs: Subcommittee on Health approved for full Committee action the following: H.R. 2504, To amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans; H.R. 2559, amended, Help Our Homeless Veterans Act; H.R. 2735, amended, To amend title 38, United States Code, to mark certain improvements to the comprehensive service programs for homeless veterans; H.R. 3885, Veterans Dog Training Therapy Act, and a draft measure, to amend title 38, United States Code, to authorize appropriations for the Department of Veterans Affairs program to provide financial assistance for supportive services for very low-income veteran families in permanent housing.

FIRST-TIME HOMEBUYER TAX CREDIT

Committee on Ways and Means: Subcommittee on Oversight held a hearing on administration of the first-time homebuyer tax credit. Testimony was heard from the following officials of the Department of the Treasury: J. Russell George, Inspector General, Tax Administration; and Linda E. Stiff, Deputy Commissioner, Services and Enforcement, IRS; and James R. White, Director, Tax Issues, GAO.

INTELLIGENCE ACTIVITY CONGRESSIONAL NOTIFICATION

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Community Management held a hearing on Statutory Requirements for Congressional Notifications. Testimony was heard from L. Britt Snider, former Inspector General, CIA; Fritz A. O. Schwarz, former Chief Counsel, Select Committee on Government Intelligence Activities, (94th Congress) known as the ''Church Committee,'' and a public witness.

GLOBAL WARMING IMPACTS—BUILDING U.S. RESILENCE

Select Committee on Energy Independence and Global Warming: Hearing entitled ''Building U.S. Resilience to Global Warming Impacts'' Testimony was heard from Joseph Stephenson, Director, Natural Resources and Environment Issues, GAO; Eric Schwaab, Deputy Secretary, Department of Natural Resources, State of Maryland; and public witnesses.

Joint Meetings

ECONOMIC OUTLOOK

Joint Economic Committee: Committee concluded a hearing to examine the current economic outlook, after receiving testimony from Christina D. Romer, Chair, Council of Economic Advisers.

NEW MEDIA IN AUTHORITARIAN REGIMES

Commission on Security and Cooperation in Europe: Commission met to receive a briefing on new media in authoritarian regimes from Daniel Calingaert, Freedom House, Evgeny Morozov, Yahoo, and Chris Spence, National Democratic Institute for International Affairs, all of Washington, DC; and Nathanial Freitas, New York University Interactive Telecom Program, and Shiyu Zhou, Global Internet Freedom Consortium, both of New York, New York.

COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 23, 2009

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

2 p.m., Monday, October 26

Senate Chamber

Program for Monday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, October 23

House Chamber

Program for Friday: Complete consideration of H.R. 3619—Coast Guard Authorization Act of 2010.

Extensions of Remarks, as inserted in this issue

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Arcuri, Michael A., N.Y., E2606
Butterfield, G.K., N.C., E2606
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Emerson, Jo Ann, Mo., E2604
Frelinghuysen, Rodney P., N.J., E2602
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Harman, Jane, Calif., E2605
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